



Equality, Justice and Harmony

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REFORM THE JUSTICE SYSTEM TO PREVENT FUTURE INJUSTICE

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SUMMARY	4
INTRODUCTION	7
E-COURTS PHASE 3 REFORMS	15
Phase I and II Review	15
Very Long Phase Timelines	15
Poor study of baseline situation and poor planning and execution	16
Infrastructure setup challenges	16
Poor rollouts and adaption	16
Poor prioritizations of concerns	17
Feedback system lacking efficiency	17
Insufficient Budgets	17
Phase III vision	17
Transformation of process to compliment Digitalisation	18
Fully Digital enabled court proceedings	18
Accountability of the Judiciary	18
Automated Extended Courts to ease process of dispute resolution	18
Implement systems to sustain to New Trends of technical needs	19
Data-Driven decision making for consistency and setting up guidelines	19
Online processing of requests for documents and payments	19
Use of AI for automating Audit	19
Feedback system to optimize administrative and operational processes	20
Precise calculations and Sufficient budgets	20
NEWS REPORTS OF PERSONS JAILED UNDER FALSE CASES	21
1. After spending 20 years in jail, UP man found 'wrongly convicted' of Rape.	21
2. Mumbai: Man framed for raping minor acquitted after 2 years in jail	21
3. Odisha HC acquits man of rape charges after 30 years	22
4. 24-yr-old man acquitted of raping, abducting minor: 'Possibility of victim giving statement under pressure'	22
5. Acquittal of Rape Accused After 20 Years in Jail	23
6. After 28 years, Supreme Court acquits 2 of gang rape	24
7. Special POCSO Court Acquits Rape Accused & Directs Release from Jail Almost After A Year as Prosecutrix States She Never Even Met Him.	24
8. They were in love, passions of youth ruled': Supreme Court acquits man in 20-year-old rape case	25
9. Supreme Court acquits man sentenced to 10 years by HC in dowry death case	25

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10. 'Girls have also suffered': Rohtak court dismisses appeal seeking actions against 'Rohtak Bravehearts' who had falsely accused 3 boys	26
11. FIR Filed Against Hitesha Chandranee Who Accused Zomato Delivery Boy Kamaraj of Assault	27
12. Jasleen Kaur case: Sarvjeet acquitted after four years.	27
LAWYER HARASSMENT	28
POLICE HARASSMENT	28
JUDGES HARASSMENT	31
CORRUPTION:	32
HURDLES TO REFORM	35
REFORMS:	36
POLICE REFORM	36
LAWYERS REFORM	36
JUDGES REFORM	37
INFRA, SYSTEM & CULTURAL REFORMS	38

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Crimes happen all over the world, but law being used to harass innocent is biggest crime of all - Rudolph D'Souza

Summary

Indian society and culture are continuously changing and modernising by adopting new global traditions and lifestyles. However, Indian Law makers are not making any efforts to change the laws according to these changing trends and because of that victims are not getting justice in time. Indian Law system is not making any efforts to bring out the truth or justice to a victim. Police, lawyers and judges are the biggest hurdles in delivering justice. Indian bail system is the biggest scam and money making multi-billion industry. Rich and politicians can get bail in no time but for petty crimes, ordinary citizens have to suffer for months in jail, and judges act as their savior doing a service and grant bail with absurd conditions as per their wishes.

The present-day legal system in India operates more like a 'market for justice' - the highest bidder gets the judgement in his/ her favor. That the mighty like the businessmen and the powerful like the politicians get routinely, decisions in their favour is a secret known to all who matter. In the society, the police act as the spider mesh to trap 'innocent and unsuspecting' victims while negotiations carried out with the real criminals. That in the courts, the lawyers act as middleman under the patronage of the judges is common knowledge. The false accusers make money and rejoice while the falsely accused suffer and wonder while the real criminals remain untouched and are not afraid of any law. This is particularly true for matrimonial cases where the complainant, in approximately 95% cases, is a false accuser woman who, in close coordination with agencies like NCW, State commissions for Women, UN Women make gender biased laws to effective use and legally extort money by intimidating and blackmailing the innocent husband and his family.

The biggest reason for this is that our justice system works at a much slower pace than the whole world. The pendency of the cases at different levels of Indian Judiciary are any indication then generations will have to wait to get any respite, if at all justice gets delivered. The quality and quantity delivered by judiciary has raised severe doubts about its capability to give justice to a common man or even to the extent a former Chief Justice of India commented that "JUDICIARY RAMSHACKLED, GOING TO COURT IS USELESS", there can cannot be a better testimony to the state of affairs of Judiciary.

As CJI rightly said, Indian Judiciary is not only ram shackled but controlled and manipulated by parties with vested interests. They can make case file disappeared like RAFALE FILES, Encounter by Police if

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any one expose powerful like Vivek Tiwari encounter and similar one in Hyderabad, encounter of all the four, rape case accused. All this shows pathetic situation of Indian Judiciary.

It is common knowledge that lawyers tend to drag cases to harass and force the unfortunate victim to cough up money. It is not unusual for judges to make fun and shout at the hapless victims. Thus, the process itself has multiple stakeholders in the form of nodes which includes the false accuser, police supporting agencies, lawyer and the judges. Every single node gets benefited at the peril of the husband who remains a mute spectator and a source of earning for every single node. By implication, changes in law and/ or establishment of e-courts must essentially include fixing accountability of each node and ensure that this state-sponsored legal terrorism shuts shop. Meanwhile, politicians continue to focus their interest on incentivizing their vote-banks coupled with ruthless asphyxiation of voices raised against them.

According to records available at the Supreme Court of India website, there are currently more than 44 million cases (4.4 crores) pending in Indian courts. As of April 2021, the number of pending cases in the Supreme Court are around 62000, more than five and half million cases in High courts (57.53 lakhs) and more than 38 million (3.81 crores) cases in lower courts.

One of the primary reasons for such a backlog is nexus between police, lawyers and judges. This nexus is responsible for promoting corruption and has other vested interests for doing so. Specially they favour feminists who are promoting false cases and vexatious litigations. The nexus gave the feminists free hands as there are no penal provisions for filing a false case. Since our laws have lots of loopholes and are biased, there is no fear of abusing the process of law or judiciary in the vexatious litigants. It is a fun ride for any malicious litigant without any fear of repercussion of any sorts especially if the litigant is a woman. The impact of this tsunami of false cases is that the genuine cases never see the light of the day and are buried deep down with an endless trial. While this fun ride for malicious litigants continues at the expense of innocent respondents abusing judicial process, it not only delays the justice but also ruins an innocent person's life and career including his family, relatives, etc. The grip of vested interests, biased laws and corrupt judicial and police system is of such an extent that even politicians or wealthy movie star cannot escape from this pandemic of LEGAL TERRORISM.

Indian law is not about the find and punish the criminal but it's all about do a hog wash for delivering justice where innocent suffer but politician and rich get away with a murder by engaging highly paid lawyers to manipulate the legal loopholes and intricacies. Judges and judgements can be bought if anyone has money or politician links.

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Our laws are a product of democracy and parliament is entrusted with the task of formulating the laws. However, when the elected representatives themselves are thriving on the gender, caste, religion divide, vote bank politics what do we expect them to deliver. They will deliver the crap which suits their vote bank however mindless such crap is without envisioning its long-term impact on the society as all of them are focused on immediate gains.

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Introduction

The Indian judicial system is a single integrated system. The Constitution of India divides the Indian judiciary into superior judiciary (the Supreme Court and the High Courts) and the subordinate judiciary (the lower courts under the control of the High Courts)

India has a federal judicial system which is primarily based on mixed law i.e., based on parliamentary legislature, court laws, customary & religious laws as well. The Indian Judicial System is developed by judges through their decisions, orders, and judgments.

In the constitution of India, every citizen has been given several rights and since the rights are provided, but there many occasions infringement, violation of those rights as well, to fix these all these misuse and violation sometimes Judiciary comes up with some new development, and eCourts is one of them. e-Courts project envisions a judicial system that is more accessible, efficient and equitable for every individual who seeks justice, or is part of the delivery of justice, in India.

e-Courts, Digitalisation, CIS software, e-filing, digitally enabled hearings or virtual court is not a BAD idea, but who will train non-tech savvy Judges and litigants. E-Committee is founded in 2004, even after 15 years most of the district courts are not connected on the network.

Government have money for other silly things but not to improve the legal system in India. No use of digitizing when we are still using copied laws of British. Most of them are outdated and many recently made Laws and Acts are biased, one sided, favoring only some section of the society.

Police file False cases, Lawyers fight for criminals, Politicians and Rich, Judges give biased one-sided judgments, and those acquitted after decades on false case Indian government is not giving any compensation nor there is any Accountability for misusing law, punishment for filling false case, no departmental action against Police, lawyers for manipulating and for taking bribe from criminals to trap innocent.

Every complaint lodged in police stations is an opportunity for the Indian police to earn money. Especially if the complainant is a woman or the complaint is on marital issues, then it is a jackpot for the police, in which they can squeeze every penny out of the accused's pocket.

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Key Findings: Majority of citizens feel afraid to come forward to report abuse, harassment, misuse of law when law itself harasses them when it is supposed to solve their problem and protect them. Many suffer in silence when police/lawyer/judges or legal system harass them. There is no support mechanism to help them, no one is ready to listen or solve their problems. None of the study reports or details highlighting Legal atrocities on people are acknowledged by any institute, government body, and the mainstream media is reluctant to publish Legal terrorism.

Methodology: Information for this report is sourced from various secondary sources, media journals and various news publications, testimonies, survey statistics etc.

VIRTUES OF GOOD LEGAL SYSTEM

- Laws unbiased of Gender, Religion, Region, Caste, Creed and Cultural
- Proper efficient enquiry / investigation
- Speedy trial
- Innocent till proven guilty approach
- Stringent Punishment for false accusers, Law misuser
- Punish erring officials and Judges.
- An eye for an eye punishment
- Compensation for victim

The police are using various loopholes in the standard investigation process to extract as much money from the accused. If that does not work then they also opt for illegal methods such as: arrest without issuing 41A CrPC notice, calling the accused to the police station without prior notice, going to the accused's house in the name of investigation, adding additional criminal sections to the complaint, or adding more family names to the complaint.

If a woman goes to the police station for a silly reason that does not create a criminal case against a man or her husband, then the police mislead her, prompting her to add non-relevant and additional heinous criminal charges to her complaint. This addition of special criminal allegations to the complaint makes the crime non-bailable. Legally and morally, it is the duty of a police officer to investigate any complaint before taking cognizance, so as to prevent false and trivial matters. But in fact, corruption in police is the main reason for the tsunami of false cases in India. To avoid any adverse effect on

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themselves, the police usually file charge sheets without any investigation or investigation. We have also seen cases in which a charge sheet was filed on the day of the FIR.

Lawyers are another partner-in-crime in this extortion racket. They are usually pronounced by the public as "Liar" or "Leech". The lawyers in India are working not to provide justice to their client, but to recover money from them in any way. These clever people know every trick to extort money from their client. Matrimonial cases in particular are a treasure for them. Most lawyers are always looking for cases of a woman or wife. The reason is not because they have sympathy for women, rather, most of the time the allegations of a woman in the complaint does not require to be proved in court because Indian judges consider every word of a woman to be gospel truth. Even when a man proves his innocence in court and proves that the allegations are false, judges never punish women for filing false and frivolous cases. For judges, women are always "**ABLA**" and therefore do not need to be punished for misusing the resources of the judiciary. Various study reports and NCRB figures show that about 80% of the cases where the accused were acquitted are mostly related to sexual assault, sexual offenses (rape) and matrimonial cases. However, knowing the widespread misuse of women-centric law, no one wants to enact laws to protect the innocent and punish those who make false accusations.

Along with the accuser, behind every law that is misused, there is a wicked lawyer who is willing to do anything for money. On the other hand, if a man goes to a lawyer to get justice, then they do not show any interest in him because there are very few opportunities for them to earn money in the case. However, if the client is rich, they will just take the case but once paid they will not appear in court, appear on court date, appeal on time, or file a petition. The worst part of a lawyer's misconduct is that if a client wants to change the lawyer, the lawyer will not give the NOC.

Everyone is aware of misuse of laws and misconduct of lawyers, but why are law makers not making any effort to bring changes in Indian law and order?

We know that the law is blind but not the judge. They can see all kinds of abuse of the law. But why don't they take the initiative to stop it?

A judge is the head of the court who has full power and authority to prevent all false cases or misuse of the resources of law, but for the money, they can set free the notorious criminals or can convict an innocent person without any remorse. In every Indian court there is a nexus between the police, lawyers and judges. They know each other well and they have an equal share in the extortion money obtained from an innocent person. Bail is a multi-billion-rupee industry run by these three idols.

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Politicians or rich people in India can easily get bail in a few hours even for heinous crimes but innocent common man has to wander from post to pillars to get bail and arrange surety money. Even after depositing the bail amount, the judges impose unfair conditions to harass the innocent person.

Also, Indian judges are gender biased. If a crime is committed by a woman, the judge will order the minimum punishment for her. But if the same crime is committed by a man, then the same judge will order severe punishment for him. Judges consider men to be born criminals, and women are innocent and forcibly commit crimes. The judges believe that a woman always tells the truth and if she says she is innocent then she is innocent. On the other hand, a man needs to prove his innocence with evidence. Even after giving all the evidence of his innocence, the judge does not take into account all the evidence and convicts the person or orders him to pay.

Similarly, in cases of child custody, if the woman took the child from the father, then it is okay for the judge, but if a father took the child from the mother, then the same judge will declare it kidnapping and will order the father to hand over the child to the mother. This bias does not stop here, the judge will impose inhuman conditions on the father to meet his child, such as depositing large sums. If the father fails to meet all those conditions, then the judge will impose heavy fines, confiscate important documents like passports etc. to prevent the father from visiting his child.

Indian Legal system is like a Market and Law is for sale. Politician, Powerful or Rich can buy judges and get judgment in their favor. It's like a market why because Police bring new clients, lawyers act like a middlemen and bargain with Judge and set the money for their deal where criminals can set free and those who filed false case to make money will get money or Alimony by blackmailing innocent and every entity has his own cut in this racket so called Indian Justice System. No matter what changes judiciary makes either Amendment of law or e-courts all will useless unless these 3 entities; Police, Lawyer and Judges put under control nothing will change.

Analysis report on Indian legal system address following questions: why it's a business model? Who is responsible or who is behind it? Why do people suffer in silence? And how to solve this problem. Most of the literature collected by MyNation Foundation demonstrates that there is a dearth of research on Indian legal system which is a copy of the colonial system. Some of the legal procedures drafted a century ago and still in practice without any change. This study article / report is based on review of literature obtained from legal journals, media journals and reference from other study reports and from the victims of legal terrorism.

The language, content and structure of various one-sided laws has enabled implication of millions of innocent people in false cases. A complaint, without any authenticity and without any weight of

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evidence, is enough to arrest the accused and his family and anyone else named in the complaint, irrespective of whether a crime has occurred or not. This has led to the arrest of lakhs innocent citizens (thousands of families), with many committing suicides as they are unable to bear the indelible social stigma on their honor and reputation.

India is the only country in the world where just on the basis of a verbal statement of a woman an entire family can be put behind bars. The misuse is so rampant that over 85% such cases end up with acquittal of accused (as per NCRB data) which clearly suggest that there is an emergency like situation and this widespread cancer of misuse of various one-sided laws in the society, ought to be fixed by lawmakers by suitably bringing in legislations and penalizing the culprits.

Aftermath Impact: In India if anyone is falsely accused in any petty crime also, he is termed as guilty even before court verdict when all over the world its innocent till court finds him guilty. Family suffering, humiliation, social stigma and loss of livelihood: It has been seen that once a false complaint is filed against a family all relatives, friends, neighbors, acquaintances, and other known people immediately cut-off relationships with accused family members. Once implicated in the false case disputes, it becomes a social taboo which assumes that "all accused are criminals" and social media openly brand them as rapist or molester even before court verdict.

Office employees/colleagues, managers or even subordinates stop respecting such people, as soon as they come to know about the disputes/proceedings against men or his relatives (male or female). Their professional growth such as promotion, salary increment is seriously affected since employers start treating such employees in an extremely biased way.

In this immense and cut-throat competitive job market, no company would like to keep a person who is involved in serious criminal cases like the sexual harassment, rape or matrimonial disputes thereby denying them their livelihood. Right to livelihood is the fundamental right guaranteed under Article 21 of the Constitution of India, which supersedes any other law enacted by parliament. Thereby if men / his relatives lose their job due to criminal proceedings under the false criminal cases then their livelihood also gets irreversibly and seriously affected.

Copied Legal system of India gives many rights and privileges to both accused and accuser. But most of the time non-available in practical. Below listed rights available for litigants, but you can question yourself, if Indian legal system really grants these rights to all or are reserved only for high profile cases with vested interest parties.

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1. Protection against arbitrary or unlawful arrest (Article 22 of the Constitution and Section 41, 55, and 151 of CrPC.)
2. Protection against arbitrary or unlawful searches (Sees. 93, 94, 97, 100(4) to (8), and 165 of CrPC.)
3. Protection against “Double Jeopardy” (Article 20(2) of the Constitution and Section 300 of CrPC.)
4. Protection against conviction or enhanced punishment under ex-past facto law (Article 20(1) of the Constitution)
5. Protection against arbitrary or illegal detention in custody (Article 22 of the Constitution and Sees. 56, 57, and 76 of CrPC.)
6. Right to be informed of the grounds, immediately after the arrest (Article 71(1) of the Constitution and Section 50 of CrPC. as also Sees. 55 and 75 of CrPC.)
7. Right of the arrested person not to be subjected to unnecessary restraint (Section 49 of CrPC.)
8. Right to consult a lawyer of his own choice (Article 22(1) of the Constitution and Section 303 of CrPC.)
9. Right to be produced before a Magistrate within 24 hours of his arrest (Article 22(1) of the Constitution and Sees. 57 and 76 of CrPC.)
10. Right to be released on bail, if arrested (Sees. 436, 437 and 439 of CrPC., also Sees. 50, 20, and 167 of CrPC.)
11. Right not to be a witness against himself (Article 20(3) of the Constitution)
12. Right to get copies of the documents and statements of witnesses on which the prosecution relies (Sees. 173(7), 207, 208, and 238 of CrPC.)
13. Right to have the benefit of the presumption of innocence till guilt is proved beyond reasonable doubt (Sees. 101-104 of Evidence Act)
14. Right to insist that evidence be recorded in his presence except in some special circumstances (Section 273 of CrPC., also Section 317 CrPC.)
15. Right to have due notice of the charges (Sees. 218, 228(2), 240(2), etc. of CrPC.)
16. Right to test the evidence by cross-examination (Section 138 of Evidence Act)
17. Right to have an opportunity for explaining the circumstances appearing in evidence against him at the trial (Section 313 of CrPC.)
18. Right to have himself medically examined for evidence to disprove the commission of offence by him or for establishing commission of offence against his body by any other person (Section 54 of CrPC.)
19. Right to produce defense witnesses (Section 243 of CrPC.)

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20. Right to be tried by an independent and impartial Judge (The Scheme of Separate of Judiciary as envisaged in CrPC., also Sees. 479, 327, 191, etc. of CrPC.)
21. Right to submit written arguments at conclusion of the trial in addition to oral submission (Section 314 of CrPC.)
22. Right to be heard about the sentence upon conviction (Sees. 235(2) and 248(2) of CrPC.)
23. Right to fair and speedy investigation and trial (Section 309 of CrPC.)
24. Right to appeal in case of conviction (Sees. 351, 374, 379, and 380 of CrPC. and Arts. 132(1), 134(1), and 136(1) of the Constitution)
25. Right not to be imprisoned upon conviction in certain circumstances (Section 360 of CrPC., and Section 6 of the Probation of Offenders Act)
26. Right to restrain police from intrusion on his privacy (Article 31 of the Constitution)
27. Right to release of a convicted person on bail pending appeal (Section 380 of CrPC.)
28. Right to get a copy of the judgment when sentenced to imprisonment (Sec.363 of CrPC.)

ABOVE LEGAL TERMS ARE EXPLAINED IN SIMPLE WORDS.

29. Right of presumption of innocence in favour of the accused till proven guilty.
30. Right of the accused to know specific grounds of his arrest.
31. Right of person arrested to be brought before the Magistrate without delay and in no case the said delay could exceed 24 hours.
32. Right of an accused for open trial.
33. Right of an accused to be defended by a counsel of his choice.
34. Right of cross-examination.
35. Right of an accused of having a fair and impartial investigation.
36. Right of an accused to speedy investigation.
37. Right of an accused to the examination of witnesses in his presence.
38. Right of an accused to keep silence.
39. Right of an accused to get the copy of the statements of the prosecution witnesses and the production of defense, entitlement of all the documents and statements.
40. Right of getting bail during pre-trial or pending trial and post-conviction pending appeal in certain cases.
41. Right of an accused against double jeopardy.
42. Right of an accused to get an opportunity to submit his case before framing of charges against him.

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43. Right of an accused not to suffer imprisonment for a period longer than the maximum.
44. Right of an accused not to be tried beyond the period of limitation.
45. Right of an accused to be heard on question of sentence in warrant cases.
46. Right of an accused to live with human dignity as per provisions of Article 21 of the Constitution of India.
47. Right to speedy trial.
48. Right of an accused to receive legal aid; and
49. Right of an accused to claim identification.

We will demonstrate how above said legal options are abused, taken for granted and used against innocent by vested interest with the help of Police/Lawyer and Judges.

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e-Courts Phase 3 Reforms

Phase I and II of e-courts is a welcome step in those times. It had a lot to share on how the Vision is defined, scoped, implemented and finally rolled out across India in most of the courts. The processes of digitization of the judicial administration process are done across approximately 19000 courts in India. As part of envisioning Phase I and II, different enablement bodies are setup at Supreme court and High court level along with the support from National Information Centers. Department of Justice is setup for financial approvals, disbursement, monitoring the utilization and implementation.

Even though the Phase I and II has managed to build infrastructure at a majority of the courts, enabling few complexes with the video conferencing capabilities for virtual trial process it had badly failed in being prepared for pandemics like Covid-19 that has pushed the country to prefer low or no physical contacts to the regular procedures. The courts being not prepared for such simple processes has literally hit worse on the legal system of India.

Infrastructure setup, Systems and services implemented as part of Phases I and II has fallen inadequate to the challenges of today's needs that are also contributed by the pandemic. Lessons must be learnt from these phases of implementation.

Phase I and II Review

The following are identified by our team as the major contributors of feedback and review points:

1. Very Long Phase timelines
2. Poor study of baseline situation and poor planning and execution
3. Infrastructure setup challenges
4. Poor rollouts and adaption
5. Poor prioritisations of real concerns
6. Feedback system lacking efficiency and capturing practical day-to-day challenges.
7. Insufficient Budgets

Very Long Phase Timelines

In the current digital transformation age, any digitization implementations can't be more than 4 years from proposal to live rollouts. We are in generations where any digital platform goes through major

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generation changes in every 2 years. The timelines from Phases I and II from the visionary to final rollout has took 12+ years in total to get implemented, rolled out and adopted.

Poor study of baseline situation and poor planning and execution

Review of the detailed documents of the Phases I and II show that the study of the current situation related to the preparedness and availability of the infrastructure needs and the medium of accessibility in different parts of the country are not validated properly. The Base line situation is not clearly defined. It ignored the current lapses in offline processes that are inconsistent, lack of curation, need for standardisation, regularisation, data cleanup and many similar tasks.

Even the primary tasks of filing are not made robust in any of the courts in the country till to-date. The situation analysis has overestimated the then current state across courts in India. This has led to a very poor planning and execution where the systems have struggled and needed many corrections and software releases to meet the demands of availability, accessibility and reliability.

Infrastructure setup challenges

At the base level, many courts across India did not have the basic infrastructure to facilitate the digitalization of the administration and operational processes. Many courts still do not have basic electronic infrastructure or connectivity. There is a network connectivity divide with some states having good internet connection across districts, while certain district courts in other states do not even have lease lines to provide internet.

With delays for the setup of basic infrastructure or setting it up inadequately has caused issues for the trainings and adoption mechanisms planned as per schedule.

Poor rollouts and adaption

The rollout plan of the Phases I and II across India is like biting much more than one can chew. The different challenges at different courts regionally and culturally added with the bespoke administration and operational practices has caused more issues than enabling the courts with the improved processes.

Most of the courts ended up with the duplication of processes and had led to the lack of trust in further phases. Adaption and preparedness by the courts is still at varied levels across the country.

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Poor prioritizations of concerns

e-courts Phases I and II identification and prioritization of concerns are very unsatisfactory. Digitisation of the e-courts even for today is only helping to check the schedule and dates of adjournments but it failed pathetically in the concerns of fetching certified copies, filing online, follow-ups of the business purpose and many more.

Feedback system lacking efficiency

The feedback systems setup in place to capture reviews, comments and complaints from the end users lacked efficiency. It failed in capturing practical day-to-day challenges faced by all the different actors of the system. This failure has not helped even for Phase 3 to identify the core issues that needs higher prioritisation to be resolved prior to many other good to have features.

Insufficient Budgets

Last but not the least, the budgets allocated for such a core program that has an impact and coverage across India in around ten thousand plus courts is very wrongly calculated and set out. The degree of parallelism in implementation will suffer with insufficient budgets and the longer the phase timelines are the more the issues that will creep into the implementation and completion of the phase.

Phase III vision

For e-courts Phase III vision planning we would like to suggest the following:

1. Transformation of process to compliment Digitalisation
2. Fully Digital enabled court proceedings
3. Accountability of the Judicial administration
4. Automated Extended Courts to ease process of dispute resolution
5. Implement systems to sustain to New Trends of technical needs
6. Data-Driven decision making for consistency and setting up guidelines
7. Online processing of requests for documents and payments
8. Use of AI for automating audit
9. Feedback system to optimize administrative and operational processes
10. Precise calculations and Sufficient budgets

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Transformation of process to compliment Digitalisation

The current offline and paper based administrative and operational processes need to be reviewed and redefined for optimizing them for the digitally enabled solutions. To avoid duplication effort, establishing ease of search and indexing documents and services that are digitally provided for anytime and anywhere usage.

Fully Digital enabled court proceedings

The court proceedings from the step of filing petitions to procuring orders and appeals must be enabled digitally. The fully digital setups must be supported with strong infrastructure setups that scale to the needs of the individual courts.

Accountability of the Judiciary

Most of the court proceedings end up in denial of justice to the petitioner for endless delays in the disposal of the matter. The administrative and operational information related to the case are suppressed from the petitioner and at times the petitions are dismissed for the change of status in the case or advancement in the case. These must be made accountable by making this information transparent.

Artificial Intelligence enabled deep learning can be used to setup validations that run through the cases and identify anomalies in the scheduling and anticipated timelines and notify to the administrative and enforcement teams. This would make the administrative and operational departments accountable for endless delays in listing and schedules avoiding mismanagement. Scheduling process must be automated with case prioritisation intelligence.

Automated Extended Courts to ease process of dispute resolution

Automation and intelligence must be built into the system that would identify similar disputes and generate guidelines that would ease the process of dispute resolution. Setting up of Extended Courts setup that relies on this automated capacity built from the enormous legal knowledge would quicken the dispute resolution and makes it more consistent across the country. Periodic reviews of this intelligence for automation can help make the system reliable reducing manual interventions.

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Implement systems to sustain to New Trends of technical needs

The implementation timelines of the finalized Vision must be within acceptable time limits. The current technology changes are quite quicker and lengthy implementations would result in solutions that are outdated even before the rollout and adoption by all the courts.

The systems must be built taking into consideration the quick changes in the trends of technical needs. The overall timelines should be shorter periods to accommodate new changes in the next iterations. Technical needs would be from the devices to be supported to the data fetch speeds to quality of the data and ease of use.

Data-Driven decision making for consistency and setting up guidelines

The enormous data of existing SC and HC Judgement orders must be data engineered to enable quick decision making based on the existing orders. This way it helps to improve consistency of orders and to setup guidelines for decision making.

Data management for data curation and standardisation, normalization and cleansing must be done to setup data analytics that would help to setup guidelines for various case types.

Online processing of requests for documents and payments

The current systems are not fully automated for simple procedural requests like seeking for certified copies, templates, affidavits formats and their submission. This is taking tedious efforts for the petitioners, lawyers and even administrative and Judges to make sure the documents are properly validated and accepted. This process must be automated on high priority to facilitate digital environments for end users and ease of request processing.

Online payments must be enabled, and cash payouts must be reduced for the frequent day-to-day transactions.

Use of AI for automating Audit

Artificial intelligence must be developed to automate the audit process and report generation. The validations for the audit must happen automatically and the anomaly report must be generated. These reports must be notified and shared to the relevant parties and approval process must be setup to track these reports and do the necessary follow-ups.

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Feedback system to optimize administrative and operational processes

The administrative and operational process of the current practices are in need of major reforms. The digitalization process would run as multiple iterations and a continuous feedback review system would help to improve and optimize these processes at each iteration level.

A robust feedback mechanism must be set up that should continuously analyse the captured feedback data, priorities and redefine the process to optimize and increase efficiency of the solution.

Precise calculations and Sufficient budgets

Planning must take into consideration all the aspects of implementation, rollout and adoption needs and must calculate the budgets. Insufficient budgets would lead to poor implementation and failure of the projects.

The creation of the e-Courts platform for disseminating data from the subordinate judiciary was an important step in making Indian courts more transparent. This platform has also prompted an interest in data-driven research on courts. While the e-Courts platform is a major reform but who will reform Police, Lawyers and Judges and their mentality?

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NEWS REPORTS OF PERSONS JAILED UNDER FALSE CASES

1. After spending 20 years in jail, UP man found 'wrongly convicted' of Rape.

A 43-year-old man from Lalitpur, 'wrongly convicted' in a rape case, has finally been acquitted by the Allahabad High Court after spending 20 years in jail. The man has been lodged in the Agra jail for the past two decades after being convicted of rape under IPC and the SC/ST Act. During this period, his parents and two brothers died but he was not allowed even to attend their last rites. A Division Bench of the high court finally announced his acquittal on Wednesday. According to reports, a Dalit woman of Lalitpur district, in September 2000, had accused Vishnu Tiwari, then 23, of raping her. Police had booked Vishnu Tiwari under sections 376, 506 of IPC and section 3 (1) (xii), 3 (2) (v) of the SC/ST (Prevention) of Atrocities Act. The Division Bench of the high court, comprising Justices Kaushal Jayendra Thaker and Gautam Chaudhary, on January 28, stated in its order: "In view of the facts and evidence on record, we are convinced that the accused had been convicted wrongly, hence, the trial court's judgment and the impugned order has been reversed and the accused is acquitted. The accused-appellant, if not warranted in any other case, be set free forthwith." Rana said, "Vishnu has been set free by the high court. The local administration has to complete the legal formalities before he walks free."

<https://www.tribuneindia.com/news/nation/after-spending-20-years-in-jail-up-man-found-wrongly-convicted-217340>

2. Mumbai: Man framed for raping minor acquitted after 2 years in jail

MUMBAI: Iterating that false allegation of rape causes equal distress, humiliation and damage to the accused, a special POCSO court acquitted a 52-year-old man who has spent over two years in jail after his neighbour accused him of sexually assaulting her two minor children. The court also said being an independent woman, she had a right to keep in contact with any one and she was not answerable to anyone. It said she was bound to be upset as the accused warned her instead of disbelieving rumours and she was afraid this could harm her marriage.

Referring to statements made by the children in court, the judge said it was clear they were trotting out what the mother had told them.

https://m.timesofindia.com/city/mumbai/mumbai-man-framed-for-raping-minor-acquitted-after-2-years-in-jail/amp_articleshow/78651150.cms

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3. Odisha HC acquits man of rape charges after 30 years

The trial court had sentenced him to three years' rigorous imprisonment on March 17, 1990.

CUTTACK: The Orissa High Court on Friday allowed a criminal appeal filed 30 years ago and acquitted a man who was convicted by the court of Additional Session's Judge, Titlagarh for raping a woman. The incident occurred in Titlagarh police limits on October 3, 1989. Satrugan Nag was arrested, produced in court during investigation and remanded in judicial custody on October 17, 1989. The trial court had sentenced him to three years' rigorous imprisonment on March 17, 1990. He challenged it by way of a criminal appeal in the High Court in the same year. Justice SK Sahoo held Nag's conviction for rape 'is not sustainable in the eye of law', but convicted him for house trespassing under section 448 of IPC." In view of the room positions and the surrounding circumstances under which the occurrence stated to have happened, it is evident that the appellant (accused) had entered inside the room of the victim in the night but the victim's conduct and her late reaction in raising shout probably on the arrival of her sister-in-law make it clear that she was a consenting party and after having been caught red-handed with the appellant in a compromising position inside her bedroom in the night by her sister-in-law, the victim tried to put the entire blame upon the appellant as perpetrator of the crime in order to save her own skin among her family members as well as in her society", Justice Sahoo observed.

Nag was released on bail by the trial Court on June 2, 1990 on the basis of the order passed by the High Court in the criminal appeal on May 25, 1990. "Therefore, the appellant has remained in judicial custody for more than seven months. Keeping in view the fact that more than 31 years have passed since the date of occurrence, I sentence him to undergo imprisonment for the period already undergone by him", Justice Sahoo said.

<https://www.newindianexpress.com/states/odisha/2020/dec/12/odisha-hc-acquits-man-of-rape-charges-after-30-years-2235242.html>

4. 24-yr-old man acquitted of raping, abducting minor: 'Possibility of victim giving statement under pressure'

The man was booked in 2013 on charges of rape, kidnapping and relevant sections of the Protection of Children from Sexual Offences Act.

A 24-year-old man was acquitted of charges of raping and kidnapping a minor after eight years, with the court observing that the possibility of the girl giving a statement against him under pressure from her father cannot be ruled out. It was claimed before the court that the man and the girl were in a relationship, which the father disapproved of as both belonged to different castes. The court also held that the minor stating that a "bad act" was committed by the accused was not sufficient to construe that he had sexually assaulted her.

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Only on the basis of the word "bad act", it cannot be construed that the accused had physical relations with the victim," the court said. It also said the evidence also showed that the victim had not resisted in going with the accused. It also held that copies of letters written by her to the man showed her "inclination" towards him. The court said the accused had raised a defence that he was in a relationship with the girl and her parents were against it as they belonged to different castes." So, the possibility of the victim giving a statement against the accused under the pressure of her father cannot be ruled out," the court said.

<https://indianexpress.com/article/cities/mumbai/24-yr-old-man-acquitted-of-raping-abducting-minor-possibility-of-victim-giving-statement-under-pressure-7291672/>

5. Acquittal of Rape Accused After 20 Years in Jail

NHRC Calls for Report from UP Govt. On Rehabilitation & Action Taken Against Erring Officials. The National Human Rights Commission, NHRC, India on the reported acquittal of a man in a rape case twenty years after his conviction, has observed that it seems to be a case of non- application of the Section 433 CrPC by which the Sentence Review Board, under the law needs to reconsider review of the sentence awarded by the court, with a view to commute the sentence. It said that in many such cases there may be prisoners older than 75 years of age dying in the jails, which clearly depicts ineffectiveness of the Sentence Review Board. According to the media report carried on the 2nd March 2021, a 23-year-old man was sentenced to life imprisonment by a trial court in a rape case. He has been declared innocent by the Allahabad High Court after twenty years. The High Court in its judgment, reportedly, observed that the FIR in the matter was lodged three days late and there were no injuries on the private parts of the woman, who was said to have been thrashed. There was motive on the part of the complainant as there was a land dispute between the parties, and the FIR was also lodged by the husband and father-in-law of the alleged victim and not by her. The High Court has, reportedly, stated in its order that in view of the facts and the evidence on record, it is apparent that the accused had been convicted wrongly hence, the trial court's judgment and the impugned order is reversed and the accused is acquitted. Apart from this, reportedly, the High Court has also ordered the Law Secretary of the State of Uttar Pradesh to impress upon the District Magistrates to re-evaluate the cases for remission after fourteen years of incarceration as per mandate of Sections 432 and 433 CrPC even if the appeals are pending in the High Court.

<https://www.livelaw.in/news-updates/acquittal-of-rape-accused-after-20-yrs-in-jail-nhrc-up-govt-rehabilitation-170777>

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6. After 28 years, Supreme Court acquits 2 of gang rape

NEW DELHI: A woman's gang rape complaint against two men failed the Supreme Court's scrutiny 28 years after the alleged incident, leading to the acquittal of the duo, who were sentenced to 10 years by the trial court as well as the Orissa high court. After tortuous proceedings in the three-tier judicial system spanning close to three decades, the SC found that the lower court and the HC ignored gaping holes in the prosecution's evidence and its inability to prove the crime. What in particular swung the case against the complainant was the finding about her husband being unaware of the atrocity allegedly committed on her. The woman, it was found from the cross-examination and testimonies, had a fight with the two men and accused them of rape out of vengeance in 1990. "There is no reason why the husband of the victim would contradict her version. The evidence of the victim/prosecutrix and her husband are unreliable and untrustworthy inasmuch as they are not credible witnesses" he said. "We cannot resist putting on record that the prosecution has tried to rope in the appellants (accused) merely on assumptions, surmises and conjectures." the bench added. "We are of the clear opinion that the prosecutrix apparently had a motive to seek revenge against the accused persons. The testimony of the victim in the peculiar facts and circumstances of this case needs to be discarded since her testimony is a result of seeking revenge and her evidence is not free from blemish," the bench said.

https://m.timesofindia.com/india/after-28-years-supreme-court-acquits-2-of-gang-rape/amp_articleshow/65615121.cms

7. Special POCSO Court Acquits Rape Accused & Directs Release from Jail Almost After a Year as Prosecutrix States She Never Even Met Him.

A Special POCSO Court in Mumbai acquitted a 24-years-old Nashik resident from the charges of kidnapping and rape, and directed his forthwith release from jail, after the prosecutrix stated that she had never met the accused. The prosecutrix denied all allegations recorded under Section 164 of CrPC and informed the Court that she was made to sign on a statement recorded in Marathi

<https://www.livelaw.in/news-updates/special-pocso-court-acquits-rape-accused-directs-release-from-jail-almost-after-a-year-as-prosecutrix-states-she-never-even-met-him-read-order-165254>

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8. They were in love, passions of youth ruled': Supreme Court acquits man in 20-year-old rape case

The court said that the woman's physical relations with the man was a 'conscious and deliberate choice' because of 'her deep-seated love' for him.

The Supreme Court on Monday acquitted a man in a 20-year-old rape case after observing that he and the woman were in love, their relationship was consensual and the case was filed as an "afterthought" because the man eventually decided to marry someone else, NDTV reported. The court said that "no woman, after being sexually assaulted at knife-point, would write love letters to the accused and share a live-in relationship with him for four years".

The Supreme Court said that the woman's physical relations with the man was a "conscious and deliberate choice" and acquitted the man. "Her deep-seated love for the appellant leads her to willingly permit him liberties with her body, which according to normal human behaviour are permitted only to a person with whom one is deeply in love," the order said.

<https://scroll.in/latest/974440/they-were-in-love-passions-of-youth-ruled-supreme-court-acquits-man-in-20-year-old-rape-case>

9. Supreme Court acquits man sentenced to 10 years by HC in dowry death case

New Delhi: The Supreme Court has set a man free who was sentenced to 10 years of jail by a trial and High Court in a dowry death case of his wife.

The Bench of Justices UU Lalit, Vineet Saran and S Ravindra Bhat allowed the appeal against the Chhattisgarh High Court order of upholding the man's conviction and said that the prosecution fell short of making good its case under Sections 304-B (dowry death) and 498-A IPC (anti-dowry law) and the appellant is entitled to benefit of doubt.

"We, therefore, allow this appeal, set aside the orders of conviction and sentence and direct that the appellant be set at liberty unless his presence is required in connection with any other offence," the Bench said while acquitting him. The apex court has set aside the December 9, 2019 order of the Chhattisgarh High Court, which had upheld the trial court order of convicting him and awarding 10 years of jail. The vague allegations against her husband by some witnesses could not be taken to be sufficient proof of dowry-related harassment, the counsel added. The apex court in its order of last

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week stated, "The dying declaration shows that the immediate cause for the deceased to set herself afire was the domestic quarrel with the husband. Not only does the dying declaration give details as to how the deceased suffered burn injuries but also discloses the immediate cause for her to take the extreme step. There is nothing on record to indicate that the dying declaration was obtained by fraud or misrepresentation or that the statement was not correctly recorded. It was recorded by a doctor, an independent person and satisfied all the requirements as stated by this Court."

<https://www.aninews.in/news/national/general-news/supreme-court-acquits-man-sentenced-to-10-years-by-hc-in-dowry-death-case20201130224345>

10. 'Girls have also suffered': Rohtak court dismisses appeal seeking actions against 'Rohtak Bravehearts' who had falsely accused 3 boys

While hearing the case, ADSJ Ritu Y K Bahl said that the 2014 case had become 'quite old'. A Rohtak court Thursday rejected an appeal seeking action against Aarti and Pooja, the sisters from Haryana who were hailed as 'Rohtak Bravehearts' by media, for lodging a false sexual harassment case against three boys of Aasan village in Rohtak district in a matter that had hogged headlines in 2014. The appeal was filed by one Dr Subhash Vijayran. "The false complaint lodged by the Sonapat sisters has ruined the careers and prime years of Rohtak boys. I had sought legal action against the sisters so that it can be a deterrent for such bogus complainants and will pursue the matter till justice is delivered," he asserted. "We don't know when this case will get off our back. Our son has been proved innocent and discharged by two courts, still he is suffering because of the case which was proved false in the police investigation," Kuldeep's father Balbir, an ex-serviceman had said in September. First decision in the case came in March 2017, where the judge categorically stated that no crime was made out against any of the accused as the girls had lied about eve-teasing and molestation. They had not disclosed in their statements that the altercation began over seats and their complaint did not attract charges of molestation under section 354A of India Penal Code (IPC). The court also observed that the polygraph tests conducted on the girls and the boys resulted in absolutely no deceptive statements by the boys, while the answers given by the complainants Aarti and Pooja were found to be deceptive. On 11 September 2018, the sessions court also upheld the judgement of the lower court and the three boys were pronounced not guilty in the case. However, the lives of these boys, shunned by the media, remains a standstill since then.

<https://www.opindia.com/2020/12/court-dismisses-plea-against-rohtak-bravehearts-sisters-false-allegations-three-boys/>

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11. FIR Filed Against Hitesha Chandranee Who Accused Zomato Delivery Boy Kamaraj of Assault

An FIR has been filed against Instagram influencer Hitesha Chandranee who had earlier accused Zomato's delivery boy Kamaraj of assaulting her over a delay in her food order. As per news agency ANI, the FIR has been filed under Section 355 (assault), 504 (insult) & 506 (criminal intimidation) of IPC at Bengaluru's Electronic City Police Station based on Kamaraj's complaint. Karnataka: FIR filed against Hitesha Chandrani, who had accused Zomato delivery boy Kamaraj of attacking her, at Bengaluru's Electronic City Police Station under Section 355 (assault), 504 (insult) & 506 (criminal intimidation) of IPC; FIR registered on Kamaraj's complaint. What Kamaraj has said Speaking to news agency ANI, Kamaraj had alleged that Hitesha had refused to pay after accepting the order since he was late for the delivery. "She started hitting me with slippers and at some point in time while safeguarding myself, my left hand touched her right hand and the ring which she wore hit her nose and it started bleeding. I don't want to make it more complicated, let the truth win. If not, I will fight it legally. I have a mother with co-morbid conditions, my father died 15 years back, I am the only breadwinner for my family. I have been working in Zomato for the past 26 months with 4.7 ratings. As of now, the company has blocked my ID until this case completes and assured of taking it back once the matter resolves," he told ANI. What is Hitesha alleging? Hitesha posted a four-minute-long video and explained the entire episode from her perspective. In the video which has now gone viral, the Instagram influencer said, "I didn't open the full door, I spoke to him from a gap in the door and told him I am talking to the customer care... But he refused to take the order and started screaming, 'bloody I am your slave or what'... I got scared and I tried to shut the door. But he was so huge, he pushed back the door, snatched the order back from my table, and punched me. Then he ran away..."

<https://www.republicworld.com/india-news/general-news/fir-filed-against-hitesha-chandranee-who-alleged-assault-by-zomato-delivery-boy-kamaraj.html>

12. Jasleen Kaur case: Sarvjeet acquitted after four years.

Singh, who maintained his innocence over the course of the trial and appeared for all the hearings, has finally been exonerated noting that the testimony of the complainant was not 'trustworthy'.

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In a much-hyped and controversial sexual harassment case filed by a woman named Jasleen Kaur against Sarvjeet Singh in 2015, he has been acquitted of all charges by Delhi's Tis Hazari court on October 25.

Kaur, who is an Aam Aadmi Party (AAP) member and former student of St. Stephen's College, Delhi, had accused Singh of harassment and molestation in 2015 following a dispute between the two at a traffic signal in Delhi. Singh, who maintained his innocence over the course of the trial and appeared for all the hearings, has finally been exonerated noting that the testimony of the complainant was not 'trustworthy' and 'casts serious doubt over the prosecution'. Kaur on the other hand skipped 14 trial hearings claiming that she was unable to be present due to 'academic commitments' in Canada. Following Singh's acquittal, Twitterati has demanded that Delhi Chief Minister Arvind Kejriwal and former Times Now Editor-In-Chief, Arnab Goswami for jumping the gun and apologise to him. Singh too, while speaking to media houses has sought an apology from Goswami who had called him a 'pervert' on national television, adding that now with the accusations proven false, the journalist should make amends to restore his image.

<https://www.newindianexpress.com/nation/2019/oct/26/jasleen-kaur-case-sarvjeet-acquitted-after-four-years-netizens-demand-apology-from-kejriwal-arnab-2053322.html>

LAWYER HARASSMENT

Once they take the case and file Vakalatnaama in the court they will not appear for the dates, they will not file memo/appeal or any application.

Try to drag the case, sometimes join opposition party and share the information too.

When asked for NOC to change the lawyer they will not give NOC

POLICE HARASSMENT

Without 41A notice they will arrest alleged accused, they will call anytime to the police station and if you are not going, they will threaten you to add more sections or add other family member's names to the case. They will visit you at odd times in the name of enquiry, asking for money is a common trend. Sometimes they will take money to remove names, but they will not remorse. Especially in matrimonial cases, they will register cases on men just on words, without any enquiry or investigation. If any

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common man goes to Police against rich and powerful or women, before taking your complaint police will call and inform those vested interest and file their complaint against the person who went to police to Register complaint. then Police will refuse to take common man complaint saying there is already complaint against him.

That after the false cases are filed against somebody; Police or law enforcement agencies would often and invariably terrify, harass, threaten entire family in the name of investigation, instilling fear of losing property, and court cases running for years and bias of law towards women, delayed justice & extort huge sums of money. This has become an organized industry, breeding huge corruption in the law enforcing agencies. Police has to do nothing to provide justice; they just see such cases like as a bakra. Police extort money from the complainant and accused both sides.

That when police even after knowing that accused men or his family members are staying in different cities, different states and even different countries/continents, continents and no way related to the matrimonial home or cases, they would deliberately & repeatedly ask them to appear in police station in the name of enquiry / investigation, just to extract huge sums of money.

That the moment the false case FIR is registered, in the name of enquiry/investigation men & entire family will be asked to stand in line holding SLATE and their photographs will be taken from various angles like hardcore criminals /terrorists.

That Police without sending any written notice; would either arrest them or call accused over the phone in the guise of enquiry on a Friday/Saturday and then upon visiting, they would detain them or put them in jail, till court grants them bail, only to torture them in the ensuing 24-48 hours, when they are heavily bribed by the complainant (wife and her family members) or to demand huge bribes from the accused.

That all Mahila Thanas are now mafia gang for registering fake FIR and making fake charge sheet. For many thanas rate for filing fake case is fixed as per the various IPC and CrPC sections.

[<https://www.newindianexpress.com/nation/2017/sep/23/woman-alleges-gangrape-in-noida-then-says-lodged-a-false-complaint-police-1661566.html>]

Such cases are burden on the courts, even when courts and judges know the case is fake they don't give justice to innocent, they just drag such cases for 5 to 10 years easily.

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That Police do not investigate such FIRs and sit on it for years and then file charge sheet without any proof/investigation by copying, and pasting of FIR content to their charge sheet, even when the men show all the evidence and proofs of his innocence, which are simply ignored. Same trend is continuing in court also, in maintenance and custody cases, all the evidence provided by men is ignored and whatever women says is taken as a Gospel truth.

That police take money from accused side to remove the sections and family members' name; similarly, police take money from complainant for pressing more charges and IPC sections and name of family members in the FIR. Police plays double game here, and there is no mechanism to punish such criminal police officers.

That since the intervention of Supreme court now there is no arrest on section IPC 498a, hence new trend started by the police to add sections such as IPC 354, 376, 377 against all the male members of accused family. With these sections all male family members are sent to jail for long period and it is very difficult to get the bail.

Example showing laws are biased and against men:

1. Section IPC 304 B says if any married women die within 7 years of marriage in an un-natural way such as suicide, then it will be considered automatically that she was killed because of dowry demand. Then Husband family would be sent to jail immediately without any investigation. Getting bail in this section is almost impossible from lower court. Even if the police know the husband family is innocent still, they will file the FIR and charge sheet to harass the innocents. In the other hand if a husband commits suicide or dies then wife gets all the sympathy from society, all the bank balance and property of husbands gets transferred to the wife. After the death of husbands, the wife remarried again and throw her in-laws out of their own house immediately. IAS Mukesh Pandey and IPS Surendra Das are the examples, both committed suicide due to the harassment by their wife and in-laws, till now they have not got justice.
2. After independence, around 500 triple talak cases came in light last 70 years and a law is made to protect Muslim women with the help of our law minister; however, till now around 10 lacs innocent Indian men committed suicide due to their wife and fake cases, but no attention and no laws to save such innocent men; our law minister is silent here. Everyday newspapers are full of such news, but the life of a man has no value hence no-one worried.
3. Only common men suffer due to misuse of these laws however politicians and rich people don't get. Such people never suffer due to their power, for example Shashi Tharoor is accused on IPC 304B

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still he is free and enjoying his life and doesn't have any problem. But imagine if a common family trapped in IPC 304B has to lost everything.

That police have no fear on harassing innocents specially men, there are many men brutally killed in police stations during investigation.

[<https://www.bbc.com/news/world-asia-india-53202707>]

[<https://www.indiaspend.com/over-60-of-deaths-in-police-custody-are-within-24-hours-of-arrest/>]

[<https://www.ndtv.com/delhi-news/man-dies-in-custody-delhi-police-police-suspends-assistant-sub-inspector-2315499>]

There is no way to complain against such police officers, there is huge number of such cases, but all are not reported.

other than all Above many times in matrimonial issues and cases Police along with CAW Cell, they force man to compromise and pay the money Women side demanded and most of the time all matrimonial cases filed to make money only

JUDGES HARASSMENT

Giving date after date is a common trend in Indian Courts, Litigants travel overnight for the court proceedings, just to get another date. Because there is a nexus between lawyers and judges, after all Indian Judiciary not about delivering justice but make you frustrated. Bail is multimillion dollar industry in India and judges has cut in this racket. The bail amount is refunded by the court to the innocent at the end of his/her trial. The court does not return it with interest. Most of the time even litigant is not aware he can claim his bail amount. On the other hand, if the litigant skips out on any appearances to the court, the bail amount will be held by the court. In India court you can win any case if you can find a lawyer who has nexus with the judge, they will decide the fate of case and fix the amount. It's also called UNCLE JUDGE instead nexus (Source: <https://www.thehindu.com/news/national/Supreme-Court-upholds-quotrottenquot-remark-against-Allahabad-High-Court/article15587794.ece>)

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CORRUPTION:

In 2016 India ranked 79th out of 176 countries in Transparency International's Corruption Perceptions Index, compared to its neighbors Bhutan (26th), Bangladesh (145th), Myanmar (136th), China (79th), Nepal (131th), Pakistan (116th) and Sri Lanka (95th). In 2013, India was ranked 94th out of 175 countries.

These statements are given by Supreme court judges on corruption in Indian court.

Attorney general K.K. Venugopal on 22.08.2020, before Supreme court panel

“Five judges of the Supreme Court who have said that democracy has failed in the Supreme Court – which is what Bhushan said in his tweets. Secondly, I have nine judges of the Supreme Court saying that there is corruption in the higher judiciary. Two of them made statements while they chaired (not clear). Seven of them said so immediately after their retirement. I have extracts from all of them. I myself made a speech in 1987 in the Indian Law Institute”

1. **Justice E.S. Venkatramaiah** (Justice Venkatramaiah was the 19th chief justice of India, and held office from June 19, 1989 to December 17, 1989)

He told journalist Kuldip Nayar on the eve of his retirement: “The judiciary in India has deteriorated in its standards because such judges are appointed as are willing to be ‘influenced by lavish parties and whisky bottles’. In every high court, there were at least four to five judges who were practically out every evening, wining and dining either at a lawyer’s house or a foreign embassy and that the estimate of the number of such judges was around 90 and that practically in all the 22 high courts in the country, close relations of the judges were thriving.”

He reminded the sitting judges of former Union minister of law and justice P. Shiv Shankar’s pungent statement: “Anti-social elements, that is FERA violators, bride burners and a whole horde of reactionaries, found their haven in the Supreme Court.”

In his interview, former CJI Venkataramiah said that in practically all 22 high courts in the country, close relatives of judges were thriving. There were allegations that certain judgments have been influenced through them even though they have not been directly engaged as lawyers in such cases, he said.

“It is hard to disregard the reports that every brother, son or son-in-law of a judge, whatever his merit or lack of it as a lawyer, can be sure of earning an income of more than Rs 10,000 a month,” he said in that interview.

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2. Justice S.P. Bharucha

In a speech in 2001, Justice Bharucha, the then CJI, lamented that 20% of the judges in India were corrupt. He made this speech during the Law Day function on November 26, 2001 on the lawns of the Supreme Court. In his speech, he refers to what he said in public before assuming office as the CJI.

3. Justice Michael Saldahna

Justice Saldahna of the Karnataka high court has been quoted as saying that 33% of the judiciary is corrupt.

4. Justice Markandey Katju

During his term as chairman of the Press Council of India, Justice Katju alleged corruption in the Supreme Court. He said three former chief justices of India had compromised in giving an extension to an additional judge of the Madras high court at the insistence of the then UPA government at the Centre, under pressure from one of its allies, the DMK.

“By rejecting Mr. Shanti Bhushan’s petition seeking registration of an FIR against Justice C.K. Prasad for gross corruption, the Indian Supreme Court has once again sought to bury corruption by one of its own members under the carpet, forgetting that however much one may seek to conceal it, the bulge will show.

I accuse the Indian judiciary of repeatedly burying corruption by its own members under the carpet. I accuse it of being hypocritical by speaking against corruption by politicians and bureaucrats, but deliberately protecting its own corrupt brethren.”

5. Justice J. Chelameswar

In an interview to the Economic Times, Justice Chelameswar said:

“Corruption does exist. Why was Qudusi arrested? A former judge of a high court in this country was arrested...If this institution is discredited, democracy is not safe. All my effort was to preserve the

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institution, strengthen it by creating a greater degree of credibility which can only come through transparent functioning. That was my whole effort.... Judges will be politically influenced. To say that judges are not touched by politics, I think is not an honest statement. And mind you, I am not talking of party politics. The question is how dispassionately can judges handle the current political events... No direct pressure, but there are subtle ways of putting the pressure (in answer to the question whether there is more political pressure now).”

At a press conference held with Justices Ranjan Gogoi, Madan B. Lokur and Kurian Joseph on January 12, 2018, Chelameswar said, “Twenty years later some wise men shouldn’t say judges sold their souls.”

6. Justice M.N. Venkatachaliah

“There are just 25 judges in the Supreme Court in a country with a population of a billion-plus. And even there, some of them turn out corrupt,” former CJI Venkatachaliah told Anuradha Raman of Outlook in 2011. “The most heinous crime is the CJI incurring criticism, or giving room for doubts that his hands are dirty.”

7. Justice V. R. Krishna Iyer

Justice Iyer was among those who demanded former CJI K.G. Balakrishnan’s resignation as the chairperson of the National Human Rights Commission following allegations of corruption. Two former judges of the Kerala high court, Justice P.K. Shamsuddin and Justice K. Sukumaran, also made serious allegations against Justice Balakrishnan.

Justice Krishna Iyer wrote an open letter to then Congress general secretary Rahul Gandhi in 2011, saying:

“The judiciary, a sacred instrument with great powers to punish corruption, is itself corrupt. Not a single corrupt judge has been caught or punished.”

In 2013, he wrote to the then president, Pranab Mukherjee, seeking a probe and action against some senior Supreme Court judges who, he said, are “suspect of moral deviance”. He told the president that the scourge of bribery tainting politics had not polluted the judiciary for long, but that was “becoming a matter of the past”.

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8. Justice J. S. Verma

“I cannot say that there has not been a single corrupt judge even in the Supreme Court. You have that in public knowledge,” Justice J.S. Verma, who was CJI from March 1997 to January 1998, told CNN-IBN. He agreed that the rot ran deep in the judicial system.

Justice Verma also revealed that his successor, CJI M.M. Punchhi, was sworn-in despite his reservations because the then prime minister, I.K. Gujral, did not order an inquiry into the allegations which he had forwarded to him, requesting a probe. He said, “When I joined the bar 40 years back, no one talked about corruption even in the district judges. Now when people talk about corruption even in the apex court, I feel like it is a slap on my face.”

9. Justice A.K. Ganguly

On corruption in the judiciary, while releasing a book on corruption in 2011, Supreme Court Judge Justice Ganguly said:

“I am happy that Prof. Raj Kumar has also talked about corruption in the judiciary. He has referred to recent cases of impeachment. But in the next edition, he may kindly correct that Justice Dinakaran is not from Sikkim high court, but basically from Madras high court. Both the learned Judges referred to, I cannot defend them. I feel sorry for them. If the judges of the high court today are accused of this kind of things, then what will happen to elimination of corruption? Even then I appreciate the candour and the courage with which Prof. Raj Kumar has attempted this book. This is a very valiant effort.”

HURDLES TO REFORM

- Corruption
- Government policies
- Vested interests making biased laws
- Nexus between police/lawyers and judges
- Poor infrastructure
- Politician influence
- Not so tech savvy litigants and judges

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REFORMS:

The Indian Judiciary A pillar of democracy in dire need of reforms, there is widespread corruption in India in all levels of the government including judiciary. "Corruption was widespread," said the annual Country Reports on Human Rights Practices for 2013 released by US Secretary of State John Kerry. According to the report, though the law provides criminal penalties for official corruption, the Indian government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

POLICE REFORM

- Online facility to report against police malpractice.
- FIR should be uploaded as filed and viewable only to accused and accuser
- Police should verify, do proper enquiry and validate proof before registering any FIR, Police is 1st line of defense to prevent fake and fabricated cases to harass innocent.
- Polygraph facility to Police to verify any complaint or claim.
- No arrest or call for enquiry unless all claims and complaints allegation proofs proved
- Police should not take verbal complaints
- District Level vigilance cell to complain against Police.
- If Police is involved in filing fake cases, then he should be sent to jail and there should be departmental enquiry

LAWYERS REFORM

- Bar associations must act against corrupt lawyers and there should be proper mechanism to report against lawyers.
- There needs to some mechanism where one can complaint against the lawyer if he has not done what was promised or paid for.
- Litigation charges and fee of lawyer for each case must be fixed and should be displayed in the court premise.
- Lawyers must fight the case for justice not for making money.
- If Lawyer is involved in filing fake cases, then he should be sent to jail and his license to practice should be suspended.
- Every lawyer should give bill for their fees and it should come under IT act.

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JUDGES REFORM

- Create a vigilance cell in every court or with online access to all for redressal of public grievances against lawyers and Judges.
- Politicians should not have any power on appointment of judges
- Making the judiciary and Judges accountable
- Judges must be subject to judicial review.
- Judges must follow a code of conduct.
- A public body appointed by President of India of Social workers/Activists must keep an eye on the judicial system.
- The proposed National Judicial Commission should have powers to make judges accountable for their practices.
- Judges should declare their assets and those of their family.
- Introduce Judicial Inquiry and Audit Research Department to enquire into how, due to corrupt practices, cases are multiplied or delayed.
- Supreme court should give proper guidelines and direction to all subordinate courts Contempt of Court Act should be strictly implemented in letter and spirit against corrupt Magistrates, Judges who want only to abuse the power.
- Judiciary should be transparent, Extending the Right to Information Act to cover the judiciary and on Judges.
- Opening judicial vacancies to qualified legal scholars/Social Workers and Activists. It should be on merits not by reservation or Political party's blessings.
- Bail is the right, but jail is the exceptional. This is told by Supreme court, but lower courts never follow it, they send a person to jail without any reason, such judges must be punished.
- Judges who give dates after dates but not the justice must be debarred.
- Judges consider women's words to be truth, but they never give value to the evidence from men or Truth.
- Timeframe should be set to decide each case, deliberate delay by litigant/Police/Lawyer should be charged with fine for wasting judiciary time.
- Court/Judge should take Suo Moto against false cases and compensate false case victim.
- Section 226/227 CrPC, 340 CrPC, IPC 182/211 and 35B CPC should be implemented and practiced properly in every case.
- There should be Jury system of learned social activists in family court
- Compensation on acquittal of False case.
- Accountability and Reporting against Police/Lawyers/Judges

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- Right of Criticism by Citizen on Judgement by court
- Progress card for Judges
- Opinion on Judgment on public domain.
- Supreme court should set direction to decide Divorce and Custody issues and settled within 6 months because it's a matter of life and liberty.
- Child rights should be paramount; no child should have kept away from any parent. Equal custody to both the parents. Custody denied to the abusive parent or contempt of court against any earring parent.

INFRA, SYSTEM & CULTURAL REFORMS

1. Build robust infrastructure, Electricity, Equipment's and Trained personals
2. Government policies and biased laws should change
3. Scrap old laws/Amendments and make laws as per current situation
4. E-Courts and digitization
5. Online filing and virtual hearing
6. Accountability on law makers
7. Judiciary should be separated from political clutches
8. All aspects of judiciary should be public or on public domain
9. Training judges
10. Milord mentality should change
11. Two more Supreme courts, One in South and East India.
12. All courts should be linked on network and cases are connected from Lower court to SC
13. Enable/support litigants to self-appeal and fight the case.
14. Jury system of social Activists.
15. Judge promotion should be on his performance.
16. Adopt scientific technics like Polygraph test on all complaints especially matrimonial cases

No matter what software is developed or implemented as Case Information System 3.0 digitaisation of e-Courts unless above reforms are done there will be no use. It is claimed Under phase-II of the project, Rs.921 crores have been released and over 16000 courts have been ICT enabled but in reality, if you visit some of the district court equipment's still in box as delivered or kept on open and non-operational.

The India legal system even after 75 years of Independence still looks like a domineering and pretentious British vestige appearing to belong to an elite class, Politicians and influential, away from

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the people and the country. As a matter of fact, the present system of justice is totally out of time, ram shackled and not tune with democratic procedures and norms that please only a certain section of the society with vested interests and biased laws specially meant only for women. No person should above law, Law should be equal to all citizens there should be proper proposals and plans for reforming the system from the ground up. Some of the key suggestions include Accountability, improvements to contempt of court and impeachment proceedings, improvement of judicial infrastructure, enforcing integrity codes for judges and lawyers, Therefore, there is an immediate need to restructure the entire judicial system to make it answerable to the needs of a democratic, progressive society.

The Worst criminal is the one who prevent a child from meeting other Parent – Rudolph D’Souza

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