



Colin Gonsalves (India)

“for his tireless and innovative use of public interest litigation over three decades to secure fundamental human rights for India’s most marginalised and vulnerable citizens.”

Colin Gonsalves is amongst the most complete human rights lawyers of his generation. He is a Senior Advocate at the Supreme Court of India and the founder of the Human Rights Law Network (HRLN), an Indian national network of public interest lawyers. Over three decades, HRLN’s lawyers have engaged in public interest litigation to hold the government to account and secure a broad spectrum of human rights. Gonsalves’ clients have included India’s most vulnerable people such as, bonded labourers, ethnic and religious minorities, refugees, slum dwellers, women and the poor. Gonsalves’ most significant victories in the courtroom include the 2001 “Right to Food” case, which saw India’s Supreme Court issue far reaching orders enforcing a free midday meal for all schoolchildren and subsidised grain for over 400 million Indians living below the poverty line. In 2016 and 2017, Gonsalves obtained landmark judgements from the Supreme Court that ended the longstanding immunity of the Indian Armed Forces from criminal prosecution. This is already having a significant impact in reducing the number of extrajudicial executions occurring in India’s Northeast.

Building a network of public interest lawyers across India

Colin Gonsalves was born in 1952 and graduated in 1975 in engineering from the Indian Institute of Technology in Mumbai, but immediately switched his vocation to law as he became aware of its importance as a tool to address human rights abuses. Graduating in law from the University of Mumbai in 1982, Gonsalves started his legal practice in Mumbai, with a focus on securing the rights of workers. In the mid 80s, Gonsalves and two other colleagues started the Peoples’ Law Centre to provide free legal aid for working class people.

Noticing a complete lack of legal aid for India’s poor, Gonsalves and his colleagues began to visit other states, participating in meetings and taking the first steps to form a network of young lawyers and social activists. In 1989, his Peoples’ Law Centre was renamed as Human Rights Law Network (HRLN). HRLN published books such as “Women and the law” and “Prisoners’ Rights”, revealing the expansion of the organisation’s mandate from labour law to other branches of public interest law. In 1991, the organisation was legally registered as “Socio Legal Information Centre”, with Gonsalves as its Director. It remains popularly known in India as HRLN, and today counts 250 lawyers, social workers and staff operating out of 22 offices in the country. Gonsalves and HRLN slowly but surely expanded their work to



represent Adivasis, Dalits, slum dwellers, unorganised workers, women, children and advocate for the advancement of disability rights, LGBT rights and environmental law. Throughout its history, HRLN has focused on using the legal system to win practical results for the poor and marginalised sections of society, winning over 1,000 cases.

Pioneering public interest litigation to secure the rights of millions

To empower peoples' organisations to litigate, HRLN began trainings throughout the country focusing not merely on the provisions of the law but more particularly on the steps to access justice in a practical way with or without a lawyer. In 2000, HRLN began prolifically litigating in the field of public interest litigation (PIL), a unique development where class action cases can be filed through NGOs and others, at low costs and sometimes with dramatic results for large numbers of people.

One such instance was People's Union for Civil Liberties vs Union of India, commonly known as the "Right to Food" case which Gonsalves filed in 2001. Outraged with the scandalous situation where excessive amounts of food grains were rotting in government granaries while people continued to die of hunger and starvation, Gonsalves brought a PIL in the Supreme Court that led to the Court issuing over 80 far reaching orders enforcing a midday meal for all students, supplementary nutrition for little children, adolescent girls, pregnant women and lactating mothers, maternity benefits at the time of delivery and subsidised grain for over 400 million people below the poverty line. Significantly, through this case, the Supreme Court affirmed that the right to food was in fact a constitutional right. The Indian government enshrined this right in legislation through the National Food Security Act in 2013.

Gonsalves and HRLN have used PILs to promote and protect a diverse range of human rights and provide concrete remedies to vulnerable groups. A landmark case regarding high drug prices of essential medicines led the Supreme Court to direct the government to enforce price controls. Many of HRLN's housing rights petitions have resulted in stay orders on the demolition of slums. More recently, in the Parivartan Kendra vs Union of India case litigated by Gonsalves, the Supreme Court held that private hospitals must provide free treatment for the victims of acid attacks, a horrendous form of violence against women in India.

Gonsalves and HRLN's work is not limited to strategic litigation, and they work on the principle of never turning a poor client away. HRLN has filed several petitions on behalf of Sudanese, Yemeni and Myanmarese refugees and is currently pursuing a petition on behalf of 6,000 Rohingyas seeking stay on deportation. Resolute in challenging the death penalty, Gonsalves managed to get a stay order on the execution of 16 persons through a judgement of the Supreme Court in Shartrugan Chauhan versus Union of India in 2013 on

the grounds that their mercy petition was pending before the President of India for too long a time period. When Najeeb Ahmed, a young university student, disappeared in October 2016 under mysterious circumstances following an alleged altercation that took on sectarian overtones, Gonsalves courageously agreed to represent his family in their quest for justice.

Over the years, Gonsalves has instilled a sense of public interest lawyering in India through HRLN's internship program, which has mentored hundreds of young law students across the country.

Successfully holding the State to account for extrajudicial executions and human rights violations

Contemporary activists working to promote and protect human rights in India do so under immense pressure and great personal risk. Despite this, Gonsalves has not shied away from mounting legal challenges to the impunity of army, police and security personnel for committing human rights violations. Gonsalves and his HRLN colleagues have represented several victims of rape in police custody, torture and extrajudicial executions in the insurgency-hit central Indian state of Chhattisgarh, despite facing intimidation, violence and death threats.

Together with local activists, Gonsalves produced a fact-finding report revealing 1,528 extrajudicial executions committed by the Indian Army in the Northeastern state of Manipur from 2000 to 2012 that had not been adequately investigated. This report became the basis for a petition to the Supreme Court filed by Gonsalves on behalf of the victims' families. The Supreme Court ordered an investigation and for the first time, army officers testified under oath in a witness box. In this case, *Extrajudicial Executions Victim Families Associations vs Union of India*, the Court in 2016 issued a groundbreaking decision holding that the police must file First Information Reports (FIRs) and investigate every case alleging killings of civilians by the army. Striking a blow at the immunity given to armed forces personnel operating under the draconian Armed Forces (Special Powers) Act from 1958, the court subsequently in July 2017 ordered the Central Bureau of Investigation to set up a Special Investigation Team to investigate the extrajudicial executions, file criminal charges and report on compliance by the end of the year. The fact that the government has tried twice to nullify the Court's verdict through petitions and failed on both occasions highlights the significance of Gonsalves' triumph, at a time when there is a worldwide trend of states suppressing civil liberties.