

NOTE FROM THE DEAN'S DESK

The COVID-19 pandemic has affected the society in an unanticipated and unprecedented way. It has also seen gross human rights violations across the globe and posed challenges for the justice delivery system world over. This issue of the Bennett Journal of Legal Studies ("BJLS") has aimed to bring together several perspectives on the challenges posed by COVID-19 for the Justice Delivery System and the means and solutions to move forward. This issue of the BJLS comes at a critical point where while we are still struggling with the pandemic, we are also adapting to living with it both at the personal and professional levels. The pandemic has exposed the weaknesses of the governance system. Judicial governance has also seen a new face. While several stop-gap arrangements have been made for the sustenance of the constitutional governance, the authors in this issue of BJLS have come together to highlight the weaknesses, strengths and the requirements for long term solution to be crafted carefully and holistically.

Virtual court hearings did take place in India prior to the pandemic. Therefore, facing the initial halt, Indian judiciary particularly at the higher level caught up strategically and gradually adopted the model of e-courts/videoconferencing to continue with dispensation of justice. It has become functional to a large extent. However, the problems faced by the lower courts find special mention in this issue of BJLS. The lack of digital infrastructure in India, specifically in rural areas, with respect to internet, technology, and other facilities required for hearings through video conferencing limits access to justice. This forced evolution of the Indian justice system in the form of virtual and e-courts has been discussed extensively through several deliberative pieces.

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While ongoing sustainable justice delivery is a challenge, the worst-hit have been the people of the unorganised sector, who, unfortunately, struggle the most in such calamities. Indian migrant workers during pandemic have faced numerous adversities. With closure of workplaces due to the lockdown imposed in the country, millions of migrant workers suffered a loss of income, food shortages, loss of shelter and uncertainty about their future. The real effects of economic slump and layoffs will be visible in the coming years. The appalling conditions of the migrant workers and multiple steps taken in this regard are also studied through a constitutional perspective and economic analysis has been used to provide solutions.

Another important concern is the effect of social isolation on individuals psychologically. One of the key concerns arising from the lockdowns and a different work-life balance style is the glaring rise in domestic violence against women. Evidently, social isolation, increased financial stress and weak institutional support have helped in boosting the level of violence. BJLS has covered how this 'shadow pandemic' has forced the States in the global domain to reconsider the effectiveness of domestic violence prevention mechanisms in their jurisdictions. Those stuck in volatile domestic situations trapped with their abusers or those women who lost their jobs in this crisis, might also face financial backlash which will perpetuate their stay in an abusive household. This is furthered by the lack of legal and financial aid as a major obstacle for those seeking access to justice. Laws are only be effective if barriers to accessing remedy are reduced, such as those relating to access to information, class actions, the protection of witnesses, and legal costs, protective orders and counselling.

The issue also studies how the pandemic has curbed human movement causing a delay in economic transactions, contractual performances, and payment defaults. Parties to a contract are concerned about their contractual rights and obligations. Further, several parties are requesting their counterparts to excuse them from their contractual

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obligations through the use of doctrine of force majeure or frustration. In this background, the issue elaborates on several new advancements in dispute containment, dispute resolution, better drafting of contracts, incorporation of virtual hearings, and enforceability and utility of out-court settlements. This is also elaborated in light of complexity in the contracts between the landlord and tenants.

Thus, this special issue of the BJLS has a compilation of articles of contemporary relevance which touch upon several issues and concerns raised by the pandemic. It has highlighted how pertinent it is for India to engage in an intersectional analysis of problems while making laws and policy decisions. Further, it highlights the need for investment in developing, bolstering, and evolving online and technology platforms along with revamping the justice delivery system to make it accessible to all sections of the society. It is hoped that the readers gain a critical and sensitive perspective through this special issue of the Bennett Journal on Legal Studies.

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