

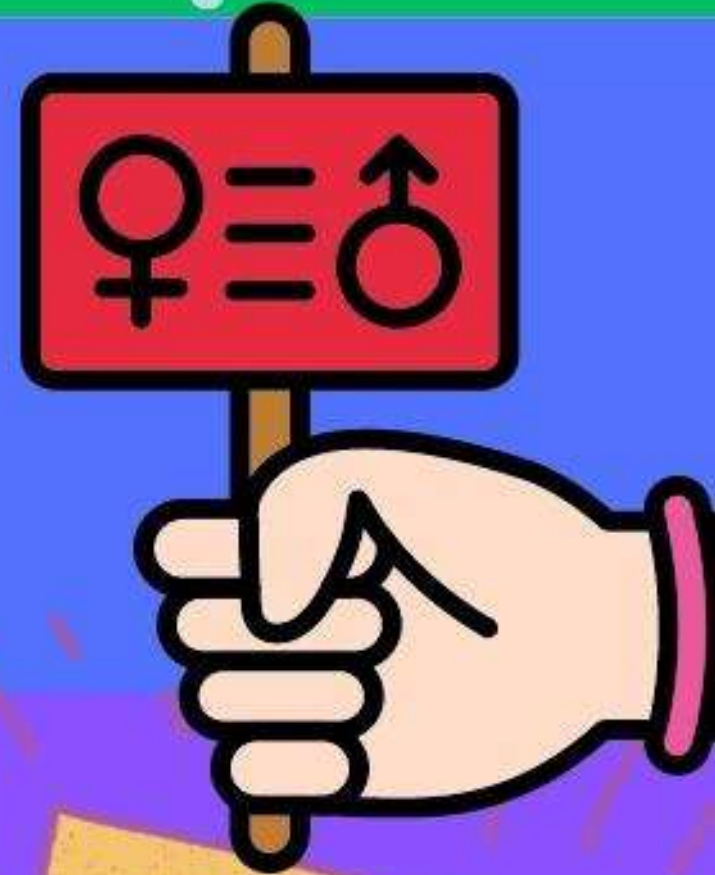


HERITAGE LAW COLLEGE

DIA-LA(W)-GUE



EQUAL
Rights



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GENDER
Equality



- **SUBHANJANA ROY**
9th Semester
- **UPAYAN CHAKRABORTY**
9th Semester
- **ARGHAJYOTI BAGCHI**
9th Semester
- **SOUPAMA SEN**
7th Semester
- **SUVAM DASGUPTA**
7th Semester

FROM THE EDITOR'S DESK

Hello Everyone!

We are proud to announce the online publication of the 4th volume of Dia-Law-Gue, the E Magazine created entirely by the students of Heritage Law College. The current edition is based on the theme Gender Justice, which, though, has gained relevance in theoretical parlance since the middle of the 20th century is yet to become a practical reality. We are all aware of the fact that Gender Equality as a goal towards achievement of Sustainable Development was included as part of the well famed Sustainable Development Goals(SDG) set by the United Nations in 2015. In India, realization of this objective has remained a challenging exercise as a result of deeply ingrained patriarchal attitudes, gender based violence and socio economic discrepancy.

This edition of the E Magazine contains a new section where our respected faculty members have engaged in open conversation with the students of Heritage Law College. This has resulted in the inclusion of a new section entitled 'Faculty Speak'. 'Faculty Speak' has resulted in the creation of an unique discourse where our esteemed faculty members have spoken at length on the various facets of Gender Justice resulting in the emergence of a multi disciplinary analysis of the theme.

Apart from this, the volume features our regular sections based on an opulent plethora of contributions from our beloved students whose



✧ EQUALITY FOR ALL ✧

articles and artwork have helped us to construct a relatively fresh and modernistic narrative on gender justice. Their brilliance in the realm of creativity is, as usual, mesmerizing.

In a last word, let me mention that though SDG5 is about empowering women and girls across the globe, this edition of the E Magazine has been designed with the eclectic intention of indicating that comprehensive deliberation centering gender based discrimination should not be female centric in nature but must necessarily be inclusive of all the genders existing in our society. Such deliberation should make a meticulous attempt to focus on the divergent constraints experienced by not only women but also by the differently gendered human beings who are subjected to gender based discrimination and abuse. Also, there is a desperate need for radical metamorphosis in the psychological perspective of human beings in order to execute effective gender neutral advancement irrespective of all differences in sexual orientation through far reaching developmental activities that would ultimately result in the physical and mental well being of all sections of the global population.

In the meantime, let us embrace the difference!!!



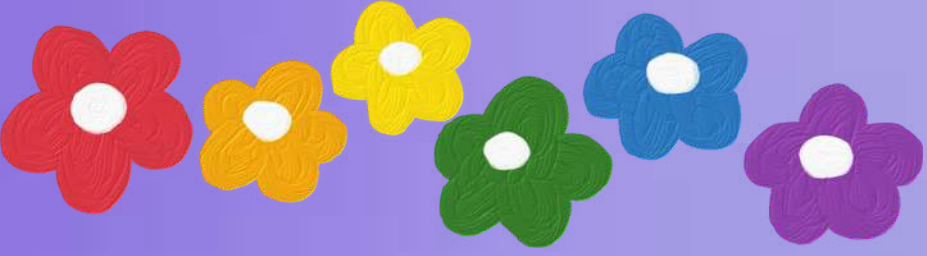
**SAYANTANI UKIL,
FAULTY OF ENGLISH**

**LABELS ASIDE,
WE ARE ALL UNIQUE
WE ARE ALL VALID**



UNITE UK





FACULTY SPEAK



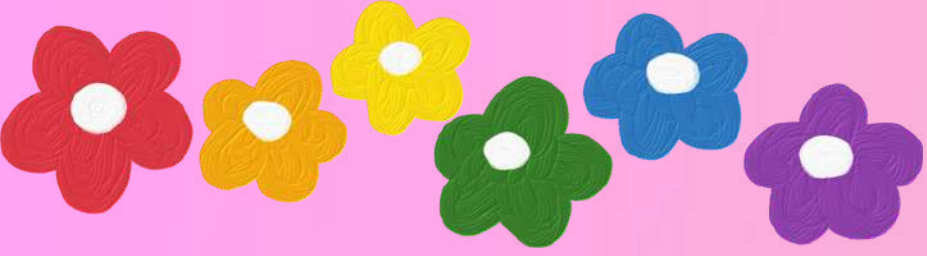
**PROF. DR. S.S.
CHATTERJI,
DIRECTOR, HERITAGE
LAW COLLEGE**

WHAT STEPS CAN ORGANIZATIONS AND INSTITUTIONS TAKE TO CREATE INCLUSIVE ENVIRONMENTS THAT FOSTER AND PROMOTE GENDER JUSTICE?

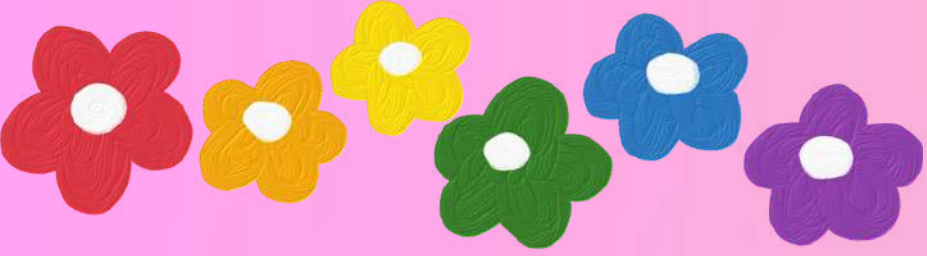
Introduction:

Gender justice refers to the equitable treatment and opportunities for all genders, addressing Inequalities and discrimination. It involves challenging societal norms, ensuring equal rights, and empowering individuals to access education, work, healthcare and participation in decision Making without bias. Therefore, creating inclusive environments that foster and promote gender justice requires a comprehensive and multifaceted approach. Here are some steps that organizations and institutions can take to achieve this:

- **Commitment from leadership: Leadership must demonstrate a clear commitment to gender justice and inclusivity. They should Communicate the**



- **importance of these values, set the tone from the top, and ensure that gender Justice is integrated into the organization's mission, vision, and values.**
- **Policy and practice review: Organizations should review and update their policies and practices to ensure they are inclusive and promote gender justice. This includes policies related to hiring, promotion, compensation, And work-life balance. It's important to identify and eliminate any gender bias or discrimination that may exist within the organization.**
- **Gender-inclusive recruitment and retention: Organizations should strive for gender balance at all levels and in all departments. They can implement gender-inclusive recruitment strategies, such as using diverse hiring panels, adopting blind resume screening, and actively seeking**
- **out diverse candidates. Additionally, it's important to create an inclusive and supportive work environment that promotes the retention and advancement of all employees, regardless of gender.**
- **Training and education: Providing training and education on gender justice and unconscious bias is crucial. This can include workshops, seminars, and online courses to raise awareness, challenge stereotypes, and promote understanding and empathy. Training should be provided at all levels of the organization, from leadership to frontline employees.**
- **Employee resource groups: establishing employee resource groups focused on gender equality and justice can provide a platform for employees to share experiences, provide support, and advocate for change. These groups can help in identifying and addressing specific challenges faced by different gender groups within the organization.**
- **Pay equity and transparency: organizations should strive for pay equity by conducting regular pay audits to identify**



and address any gender-based wage gaps. Transparent and equitable compensation practices help ensure that individuals are compensated fairly for their work, regardless of gender.

- **Flexible work policies:** implementing flexible work policies, such as telecommuting, flexible hours, and parental leave, can support work-life balance for all employees and address gender inequalities related to care giving responsibilities. These policies can contribute to a more inclusive and supportive work environment.
- **Safe reporting mechanisms:** establishing confidential and accessible reporting mechanisms for gender-based discrimination, harassment, or misconduct is crucial. This empowers employees to report incidents without fear of retaliation and ensures that appropriate action is taken to address such issues.

- **Partnerships and collaborations:** Organizations can actively collaborate with external organizations, non-profits, and community that work on gender justice and equality. Partnering with these organizations can provide valuable insights, resources, and support for creating inclusive environments.
- **Measurement and accountability:** Organizations should regularly measure and track their progress towards gender justice goals. includes collecting and analyzing data on gender rates, and representation, pay equity, promotion employee satisfaction. Regular reporting and accountability mechanisms can help identify areas for improvement and ensure ongoing commitment to gender justice.

Conclusion:

In brief it may be stated that fostering gender justice and creating inclusive environments is an ongoing process that requires continuous evaluation, adaptation, and improvement. By implementing these steps, organizations and institutions can work towards creating environment where all individuals, regardless of gender, can thrive and contribute potential.



**PROF DR.
SANTANU MITRA,
FACULTY OF LAW**

**GENDER JUSTICE VIS-A-VIS
INDIAN CONSTITUTION**

India has long been regarded as one of the world's most unequal and unsympathetic to gender issues. This is especially true for women, who are relegated to subservient status and subjected to a variety of societal problems such as

infanticide, foeticide, child marriage and gender prejudices in the rights of coparcenary property, etc.

Our country has been unable to free itself from the shackles of outdated social practices and traditions, even in the 21st century, when the entire globe has awakened to feminism and its appeal.

In a kin-ordered social structure, India remains the most important component of the patriarchal belt of the world, where women are still inferior to men.

The framers of the constitution believed that Indian women should be treated equally and that the state should protect their rights, thus they included provisions to protect women and their interests and to achieve gender justice.

Gender Justice Under Indian Constitution

The Indian Constitution has provided new dimensions to Indian society. The term gender is not used in the Constitution. Instead of gender, they used the word sex. In Articles 15 (1), 16 (2), and 325 of Constitution of India which prohibit discrimination based on sex, the word sex is used.

Although the term sex has a narrower connotation than the term gender. Discrimination based on sex, colour, creed, caste, race, religion, and other factors has been prohibited under the constitution as



they are violative of the Fundamental Rights.

In a similar way, Article 14 of the Constitution guarantees equality before the law, while Articles 15 and 16 eliminate prohibitions or discrimination based on religion, race, caste, sex, or place of birth, among other factors, and provides the state guidance to establish provisions for women and children.

Our constitution gives the state the authority to make particular provisions for the protection and development of women and children.

From time to time, a plethora of laws has been established to empower them and elevate their status.

Provisions under Indian Constitution to maintain the Gender Justice

The Indian Constitutional framers were aware of women oppressive and discriminatory standing in society, so they took extra care to ensure that the state took proactive actions to ensure their equality.

Articles 14, 15(2), 15 (3), and 16 of the Indian Constitution thus not only prohibit discrimination against women but also provide the state the authority to grant protective discrimination in their favour in proper circumstances.

These provisions are part of the Fundamental Rights under the

Indian Constitution. The preamble of the Indian Constitution guarantees social, economic, and political justice, as well as equality of status and opportunity and individual dignity.

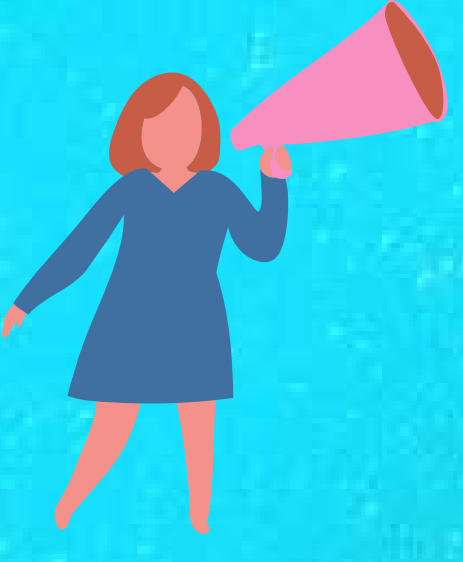
The fundamental rights guarantee gender equality under the law; Articles 14 and 15 prohibit the state from discriminating based on sex; and Article 15(3) states that nothing in this Article prevents the state from making particular arrangements for women and children.

Article 16 (1) ensures equal opportunity for all citizens in matters relating to employment or appointment to any state office and Article 16 (2) prohibits discrimination in employment or appointment to any state office based solely on religion, race, caste, sex, or other factors.

Article 23 establishes the right to equality, as well as special provisions, such as the prohibition of discrimination based on religion, colour, sex, or other factors, as well as the prohibition of exploitation.

Part IV of the Indian Constitution contains the Directive Principles,





which are no less important in state government and require, among other things, that the state shall strive to ensure gender equality.

Articles 39(d) and 41 of the Indian Constitution recognized the principles of Equal Pay for Equal Work for men and women, as well as the Right to Work. All these provisions provide various rights and privileges to the people to achieve Gender Justice.

Observations / Opinion / Suggestions:

India is a land of laws that governs every aspect of human life. Even though, we have not been able to eradicate some of our societal ills, including gender-based crimes and cruelties towards women.

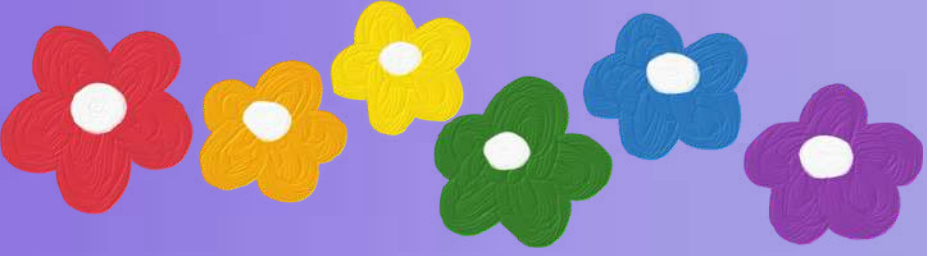
Despite the fact, that the constitution has a large number of provisions to preserve gender justice and equality.

Women are guaranteed equal rights and opportunities, but the reality is much different. Why the people in general do not realize that women are equal to males in every way and that their energy and strength can demonstrate that no one should underestimate them.

The fundamental responsibility of those fighting for gender equality will be to educate both men and women about the issue. The law can, at most, catalyze a movement for change in public opinion, societal attitudes, and values.

Legislation and legal prescriptions alone will not be enough to influence people's beliefs.

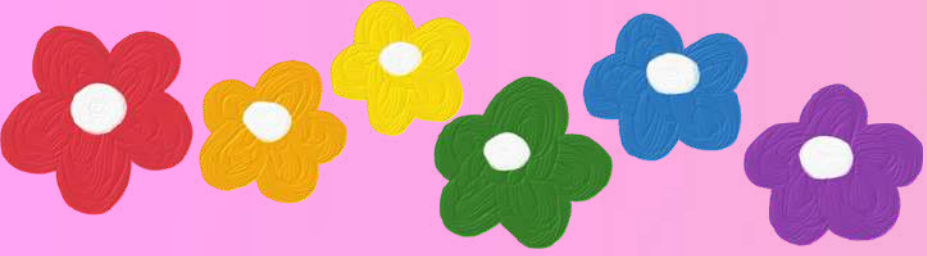




**DR. SRABANI GUPTA,
FACULTY OF LAW**

**WHAT IS THE
STANDING OF THE
INDIAN JUDICIARY ON
MARITAL RAPE?**

Marriage is an anthropological, cultural and legal institution that establishes socially sanctioned rights and obligations between individuals. However sexual violence and physical assault within marriages have traditionally formed a grey area. Marital rape refers to a “forcible sexual assault or violence by one spouse towards other”. Marital rape is mostly but not exclusively experienced by women. It tends to form a chain of circumstances of abusive relationship between couples, keeping alive constant occurrence of violence. Marital rape is not an offence in India and the criminal justice system has failed to render justice to married women who are victim of sexual violence.



India is one of the 36 countries that have still not criminalized marital rape. The exception part of section 375 of Indian Penal Code states that “sexual intercourse by a man with his own wife, the wife not being under fifteen years of age (State Amendment applies) is not rape. Over the years the exemption to an unwilling sexual intercourse between husband and wife as per Indian Penal Code (section 375) has been widely debated and argued. The exception was legally challenged in the Delhi High Court in the form of Public Interest Litigation filed in 2015 and 2017 respectively but the verdict was split. An appeal was filed with the Supreme Court which has now sought a response from the Central Government.



**JOYDIP GHOSHAL ,
FACULTY OF LAW**

**WHAT IS THE DIFFERENCE
BETWEEN GENDER EQUITY,
GENDER EQUALITY AND WOMEN'S
EMPOWERMENT?**

Gender equity, gender equality, and women's empowerment are related concepts that aim to address gender-based inequalities and promote fairness and opportunities for all genders. Although they share some common goals, there are nuanced differences between them:

1. Gender Equity:

Gender equity refers to the fairness and justice in the treatment, access, and opportunities provided to individuals of different genders, considering their unique needs and circumstances. It recognizes that different genders may require different strategies and resources to achieve equality. Gender equity focuses on addressing historical and structural disadvantages faced by marginalized genders to ensure they have an equal chance to succeed and thrive.

2. Gender Equality:

Gender equality is the principle that all individuals, regardless of their gender, should have equal rights, opportunities, and treatment in all aspects of life. It advocates for the elimination of discrimination and bias based on gender, and the creation of a society where gender does not determine one's social, economic, or political status. Gender equality seeks to ensure that women, men, and people of diverse genders have the same access to resources, opportunities, and decision-making power.

3. Women's Empowerment:

Women's empowerment specifically focuses on addressing



the historical and ongoing inequalities faced by women. It involves providing women with the knowledge, skills, resources, and agency to exercise control over their lives, make independent decisions, and participate fully in social, economic, and political spheres. Women's empowerment recognizes the need to challenge traditional gender roles, norms, and stereotypes that limit women's choices and opportunities.

Therefore, gender equity emphasizes fairness and tailored approaches to address gender-based disparities, gender equality aims for equal rights and opportunities for all genders, and women's empowerment focuses on empowering women specifically to overcome historical disadvantages and achieve gender equality. These concepts often overlap and are inter-connected, and progress in one area often reinforces progress in the others.

2. ARE MEN REALLY SAFE IN THE PRESENT WORLD AFTER THE LAWS THAT ARE MADE TO PROTECT WOMEN?

The issue of safety is complex and can vary depending on various factors such as location, context, and individual experiences. While laws and measures have been put in place to address the safety and well-being of women due to historical and systemic gender-based discrimination and violence, it does not mean that men are inherently unsafe or that their safety is neglected.

It is important to recognize that both men and women can be victims of violence and face various forms of risks in different situations. Laws and policies aimed at protecting women do not automatically disregard the safety of men. The intention behind such laws is to address the specific challenges faced by women and girls, who have historically been disproportionately affected by gender-based violence and discrimination.





Efforts to promote safety and well-being should ideally aim to create a society where everyone feels secure, regardless of their gender. This involves addressing harmful gender norms and stereotypes that can perpetuate violence against both men and women. It is crucial to foster a comprehensive approach that acknowledges and addresses the diverse safety concerns faced by individuals of all genders.

It is worth noting that discussions around gender equality and safety should not create an adversarial narrative between men and women. Instead, it should focus on fostering an inclusive and equitable society where everyone's safety is valued and protected.

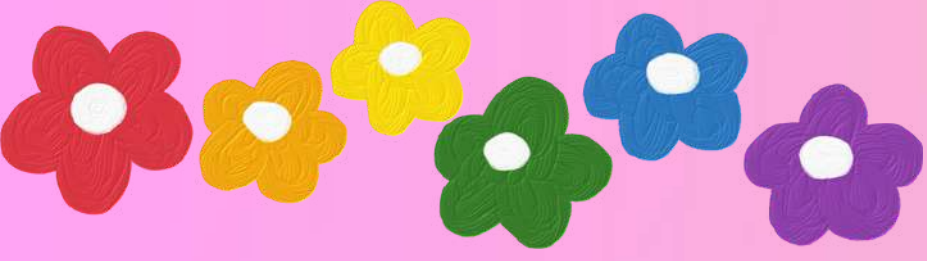




**SAURABH PAUL,
FACULTY OF
POLITICAL SCIENCE**

**HOW CAN WE ASK A
PERSON ABOUT HIS
GENDER IDENTITY
WITHOUT BEING
OFFENSIVE?**

Developing rapport with someone often leads to an understanding of their gender identity. For instance, I encountered a fellow resident who disclosed their transgender male identity after undergoing a physical transition. Out of respect for their preferences, I addressed them using their chosen male name. It's worth noting that comprehending gender identity isn't always necessary, but recognizing diverse identities enriches inclusivity and normalizes their presence in society, fostering a gender-fluid mindset. Gender identity, essentially a sociocultural creation prevalent for centuries, can be detrimental due to assumptions tied to assigned birth genders. These assumptions overlook individuality. Hence, we're obliged to educate and promote self-defined identities, detached from societal norms.



2. HOW DO YOU THINK SOCIETY CAN BE MORE INCLUSIVE AND UNDERSTANDING ABOUT TRANSSEXUALISM?

Over the years, our attitudes have grown increasingly progressive towards these concepts. Not too long ago, posing such a question would have been a significant challenge. Furthermore, residing in suburban locales can sometimes curtail both intellectual openness and personal freedom. I am of the opinion that engaging in open dialogues on a public platform can foster a more inclusive societal mindset. These conversations are pivotal; they encourage individuals to share their perspectives. While some may not align with the cause, others will undoubtedly forge meaningful connections with transgender individuals, regardless of such considerations. Hence, through sociological analysis, I can deduce that society should embrace the notion that no individual should be marginalized due to perceived differences.

1. DO YOU THINK THE SOCIETAL EXPECTATIONS GIVE PEOPLE WHO DON'T FOLLOW GENDER NORMS A HARD TIME AND WHY SO?



**ANURADHA GUPTA,
FACULTY OF
SOCIOLOGY**

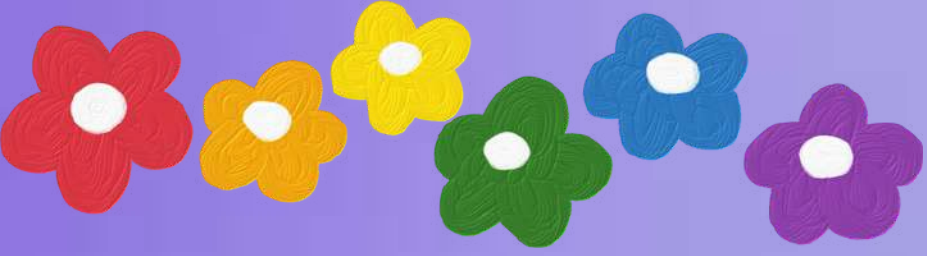
Societal expectations exert immense pressure on individuals who defy traditional gender norms, creating formidable challenges. Gender, intricately woven with various societal structures, evolves through their interplay. Pervading this extended timeline of gender identities is a pervasive issue: language constructs our mental framework, propagating binaries and dichotomies. Centuries of conditioning have solidified these constructs, ingraining gender as a binary. This fluid conflict between established norms and evolving concepts persists at the crux of gender discourse. Despite utopian ideals, dismissing gender is impracticable; accommodating non-binary identities, like the 3rd gender, remains elusive due to entrenched norms. Labelling the LGBTQIA+ spectrum as the 3rd gender confines them, hindering departure from stereotypes. Counteracting this necessitates preemptive revision of actions intertwined with gender, discouraging preconceived notions



2. FROM YOUR PERSPECTIVE, HOW HAS PROGRESS TOWARDS GENDER JUSTICE UNFOLDED IN RECENT YEARS, AND WHICH SPECIFIC AREAS DEMAND GREATER ATTENTION?

As a sociologist, recent years have witnessed unfolding progress towards gender justice, with specific focus areas needing intensified attention. The concept of justice, I believe, extends beyond governmental provisions, encompassing broader societal distribution. The prevailing insensitivity towards the 3rd gender has spawned multifaceted injustices, underscoring the critical need for equitable rights, control, and protection. Gender justice necessitates a comprehensive approach that refrains from imposing laws and norms that negate fairness. Existing gaps are evident—fertility clinics offer single parenthood options, yet lack legal frameworks for ensuing responsibilities. Society's reluctance to engage with the complexities of single parenthood hinders progress. Adoption also underscores the impact of family dynamics on gender roles and stereotypes, emphasizing the social dimensions of gender justice. While legal structures evolve, the intricate interplay of accommodation, justice, and jurisprudence remains a gradual, multifaceted journey that mirrors societal shifts.

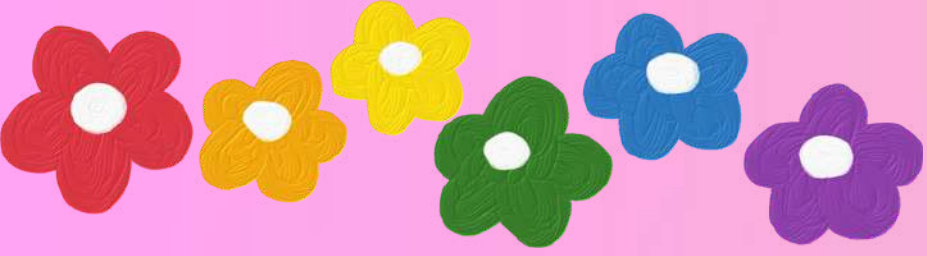




**DR. SWETA
LAHIRI ,
FACULTY OF
ECONOMICS**

1. HOW CAN EDUCATION, RANGING FROM SCHOOLS TO UNIVERSITIES, PLAY A PIVOTAL ROLE IN PROMOTING GENDER JUSTICE AND CHALLENGING PREVAILING STEREOTYPES?

Education ranging from school to universities in our esteemed institutions in isolation cannot propel one's perception of senses. It is certainly not about the degrees. Education is such an enlightenment when it is complemented in a just manner with what one is imbibing from respective families- widens and balances the comprehension of sex and gender. A person's journey of knowledge ranging from school to universities remains incomplete without its understanding that the differences are entirely biological i.e. horizontal and not social-gendered i.e. hierarchical.



2. IF SOMEONE IS FACING ANY CHALLENGES OR DISCRIMINATION RELATED TO THEIR GENDER IDENTITY, WHAT WOULD YOU SUGGEST THEM TO DO IN OVERCOMING OR TACKLING THE SITUATIONS?

Discussions/ Dialogue is one of those necessary prerequisites. One must understand the the circumstance and become strongly expressive about the discrimination and discomfort he/she may be exposed to. It is how we feel in any odd/ adverse situation. So being strong- accepting and analysing the challenges and discussing the issues of discomfort with a determination to face it all may be a probable solution.



HOW DOES THE CONCEPT OF 'GENDER JUSTICE' ADDRESS THE INEQUALITIES FACED BY THIRD GENDERS OR TRANSGENDERS, AND WHAT ROLE DOES BOTH SOCIAL PROGRESS AND LEGAL MEASURES PLAY IN ACHIEVING THIS GOAL?

The phrase 'Gender Justice' presupposes the existence of Gender Inequalities in the society. The term signifies the full equality between women and men in all spheres of life.

Discrimination and violence against people based on their gender identity or sexual orientation threaten the dignity of society at large.

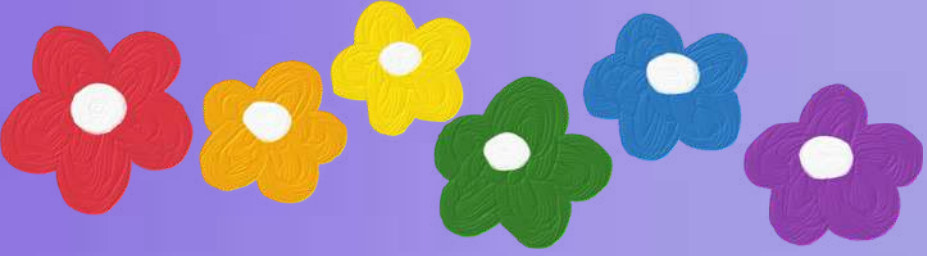
**DR. ROOPA
BHATTACHARYA,
FACULTY OF LAW**





To me, it is high time to include the Third Genders or Transgenders too in the issue of Gender Justice. With the social and legal progress, we started recognising the existence of the third genders and we should, simultaneously, start steps to provide Justice to them by eradicating the inequalities against them and to provide Justice to all categories of Human beings. Gender justice is a socio legal concept, having its solution not only in Law but also in society. The change in the mental frame of the society at large by providing more balanced treatment and ensuring equal distribution of social opportunities may reduce the imbalance. I look forward to end all kinds of inequalities between men, women and third genders that exist in families, communities, workplaces and almost everywhere.

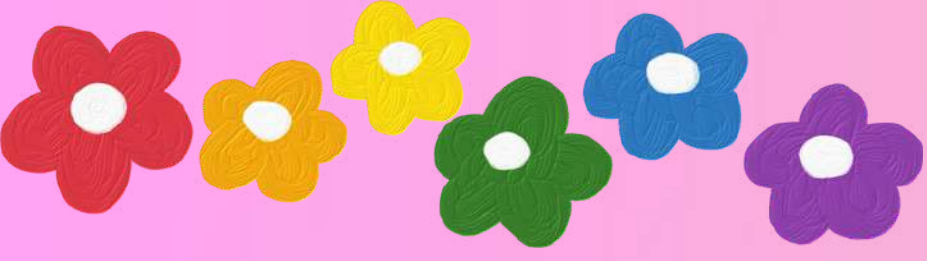




**RABINA
CHATTERJEE,
FACULTY OF
POLITICAL SCIENCE**

1. CAN YOU SUGGEST EFFECTIVE STRATEGIES OR POLICIES THAT CAN BE IMPLEMENTED TO ENSURE GENDER JUSTICE IN DOMAINS SUCH AS EDUCATION, EMPLOYMENT, AND HEALTHCARE?

There are already bills like the women representation bill which have been proposed earlier to ensure gender justice in different spheres. My point is gender neutral policies or strategies can be successfully implemented only when patriarchal tendencies can be eliminated in these domains. The root cause of gender discrimination is the patriarchal mind set prevalent in the Indian society. The Indian scenario is very different from the global scenario in terms of the modernisation process. It has evolved under colonialism and factors like heterogeneous community, caste and patriarchal chauvinism have acted as constraints in ensuring gender justice in India. Patriarchal chauvinism contained feminist movements till the late 1980s. So, it is very essential to eliminate the patriarchal mindset from the crux by emphasising on policies which can ensure 'gender sensitisation' in these domains.



2. HOW CAN WE ACTIVELY INVOLVE MEN AND BOYS AS ALLIES IN THE MOVEMENT FOR GENDER JUSTICE?

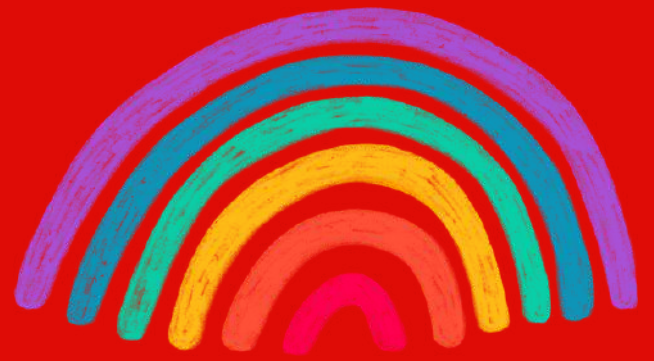
It is essential to involve men as allies in order to overcome women's under representation and for ensuring gender neutral environment. Allyship will eliminate the disempowerment of women and promote gender neutrality. When we talk of gender justice, equity and gender sensitivity, it's about representing people of all genders having equal rights and opportunities. Gender justice should be able to create an egalitarian society. Thus, it is essential to increase awareness on gender sensitisation through certain legislations, for example: making sex education mandatory in educational institutions. Engaging men and boys will not only improve the balance of power dynamics between men and women, but it will also strive towards achieving greater gender equity.

WOMEN'S
RIGHTS

ARE
HUMAN
RIGHTS



GENDER
Equality



PRIDE!

**GENDER STEREOTYPES
LEADING TO GENDER
DISPARITY**

**GENDER
EQUALITY
MONTH**

MONTH

MONTH

MONTH

MONTH

ANKITA DUTTA

Gender Justice is an issue which has at present become extremely significant. . The word “gender justice “focuses on every human being and is concerned with the distribution of power and resources Since half of the Indian population consists of women, they have been continually discriminated against and are still suffering in silence because of their subservient nature. In almost all societies women are fighting against discrimination and injustice. In India by virtue of our long inherited tradition, a woman is worshipped and given the status of God but strangely enough, she is victimized by the norms of the male dominated societies. Some laws are included in our

Constitution to prevent systematic violence perpetrated against women by various institutions. The Constitution of India aims to eliminate gender inequality. Article 14 of the Indian Constitution enshrines equality before law whereas Article 352, 15(1) and 16(2) of the Indian Constitution eliminates prohibitions or discrimination based on religion, caste, creed, sex or place of birth. Our Constitution provides separate provisions for the protection and development of children as well. Some laws are also very strictly supervised such as The Equal Remuneration Act, 1976, the NREGA, 2005, the Prenatal Diagnostic Techniques Act, 1994 and the Dowry Prohibition Act.



There are certain rights which are applicable for men but their rights are not so prevalent as compared to women. A recent poll revealed that 10 percent of the men surveyed had been victims of sexual misconduct or serial harassment at work. The case of Vishaka and Ors. v State of Rajasthan, 1997, from which emerged the Vishaka Guidelines, dealt with the evils of sexual harassment of women at the work place.

The petition was filed after Bhanwari Devi, a social worker in Rajasthan, was brutally gang raped for stopping a child marriage. The judgment which came out in August 1997 provided the basic definitions of sexual harassment at the workplace and provided guidelines to deal with it

It is seen as a significant legal victory for women's groups in India.

In the long run, the process of achieving absolute gender justice remains extremely complicated. There is a need to focus on other functions other than production and distribution and opt for distributional synergy as a guiding economic policy. Gender development is a key component of overall development of any state. However, it would only become a reality when people are able to get rid of age old notions of discrimination and deep rooted patriarchal bias and collaborate in all the walks of life for the provision of equal rights and opportunities.

THE NUANCES OF MARITAL RAPE

SHINJINEE DASGUPTA




Marital rape is a heinous crime against women perpetrated by none other than their own husbands and the most unfortunate part is that he is the very person to whom she has vested out her everything. It is a form of violence against women which is often ignored due to the belief that marriage explicitly implies the consent of the wife for consummation of the marital tie.

Presently, the legal resources dealing with this blatant violation are insufficient. One can refer to section 375 of The Indian Penal Code that deals with the offence of rape for consolation but the quantum of the punishment is very inadequate to inflict fear in the minds of the merciless husbands

who do not even care for the marriage vow that he had once chanted about taking proper care of his better half throughout his lifetime.

Most of the women are not brave enough to report these incidents as they fear to lose their marital status and the fact that they will face a set back from their own parents whose fear of ostracization often hinder them from taking the correct decisions.

All should come forward to change the outlook of the patriarchal society so that wives can lead a life free from anxiety, trauma, depression and other serious physical and psychological disturbances.



EMPOWER, ELEVATE, EQUALIZE: STRIVING FOR GENDER JUSTICE.



ANUPURBA DUTTA



The issue of gender justice remains one of the biggest human rights challenges. Gender Justice refers to equality between the sexes and can be attained when individuals irrespective of their gender have equal rights, and opportunities, as well as the ability to design their own lives and contribute to society'S growth. It is a matter of equitable distribution of society's power, influence and resources. Even in the present age, women often become victims of offenses such as rape, sexual harassment at workplace, domestic violence, forced prostitution, molestation etc. Women are also deprived of equal opportunities, as for example, in

Pakistan, although voting is a constitutional right, in some areas women have been effectively prohibited from voting. This happens when powerful leaders in many communities use localized patriarchal customs to bar them from going to the polls. In Afghanistan, authorities recently decided to introduce mandatory photo screening at polling stations, making voting problematic for women in conservative areas where most women cover their faces in public places. Women have been also subjected to gender discrimination at workplaces. Especially black women, LGBTQ+ women and women of color continue to face barriers to move into leadership positions and are likely to face micro-aggressions - offensive



statements or insensitive questions - related to race, ethnicity, gender and sexual identity. They are often deprived of equal pay.

Women transgender people are also subjected to discrimination in every aspect of their lives. Transgender people are individuals whose characteristics and behavior differ from stereotypes about how men and women are supposed to be. Transgendered people are often humiliated, subjected to unwanted comments and ignored in society. They are bullied at school, college and workplaces, and mostly rejected by their families.

Not only women and transgendered people but men also face discrimination in certain situations. Men's expectations as leaders, husbands and sons are shaped by societal standards and ideals of masculinity. Men are always expected to prioritize their family's monetary necessities above the loving and caring duties that are traditionally attributed to women. Men are also considered to be weaker and subject to mockery most of the time if they cry in front of anyone. Different countries laid down various provisions and laws to eradicate gender inequality. The Universal Declaration of Human Rights, 1948 stressed on equality between men and women which led to the formation of The Convention of Discrimination Against Women, 1966 by the General Assembly in 1979, ratified by India in 1993, followed by the Beijing Declaration in 1995. The United Nations General Assembly also created the United Nations Entity for gender equality and empowerment of women in 2010.



Apart from this, transgender people are also given the right of residence, employment, education, healthcare, certificate of identity etc. Despite all the rights given to women and transgendered communities to ensure gender equality and justice, they are still subjected to violence, crime and discrimination. There is an urgent need for the people at large to understand the notion of gender justice and gender equality. Gender Justice cannot be achieved until they step up for their own rights. There are lots of rigidities in patriarchal customs and traditions, lack of education, lack of adequate funds, erratic enforcement of laws, lack of awareness among women and many other factors which prevent the comprehensive implementation of gender justice in most of the countries, especially in India.

NO LABELS, ONLY EQUALITY: CHAMPIONING GENDER JUSTICE.



SHUBHANGI PANDEY

Gender justice refers to the goal of creating a society in which individuals of all genders have equal rights, opportunities, and resources, and are not subjected to gender based discrimination. This includes challenging and addressing systemic and societal inequalities and biases that disproportionately impact certain genders. It involves promoting gender equality, eliminating gender-based violence and discrimination, and ensuring that all individuals have the freedom to express their gender identity without fear of stigma or persecution.

Gender justice is closely related to the concept of gender equality, but goes beyond it. While gender equality focuses on ensuring that men and women have equal opportunities and access to resources, gender justice seeks to address the historical and systemic imbalances of power and privilege that have led to gender inequality in the first place. It recognizes that

women and other marginalized genders have been historically disadvantaged and seeks to redress these imbalances through policies and practices that promote social, economic, and political equity. Gender justice in law refers to the principle of ensuring that legal systems are designed to promote gender equity and address gender-based discrimination, violence, and inequality. This involves the creation and enforcement of laws that protect the rights of individuals of all genders, including women, transgender, and non-binary individuals. To achieve gender justice in law, it is essential to recognize the ways in which legal systems have historically perpetuated gender inequality and to work to address these biases. This can involve reforms to laws and policies related to issues such as property rights, family law, criminal justice, and labor rights, among others.

An important assumption towards achieving a gender friendly society is ensuring that laws and policies

NO HE OR SHE JUST HUMAN

are effectively implemented and enforced. This in turn requires measures such as providing training for law enforcement and judicial officials on gender-based violence and discrimination, and mechanisms for reporting and responding to gender-based violence and discrimination.

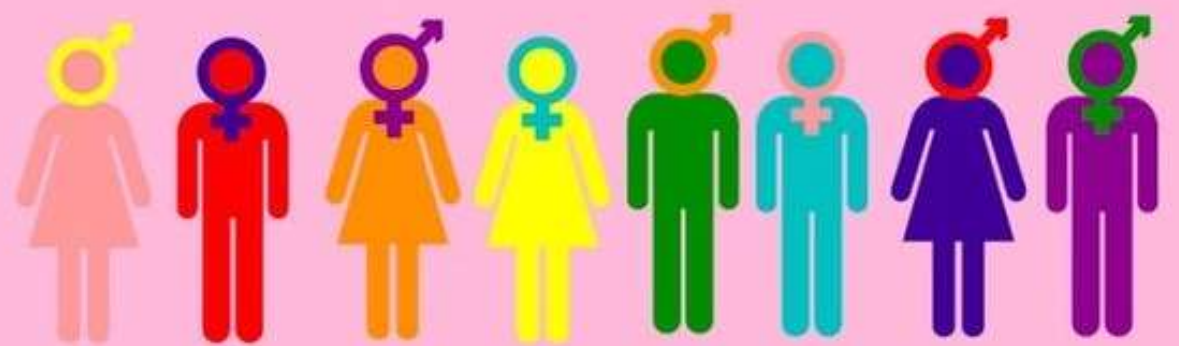
Another important element of gender justice in law is promoting the participation and leadership of women and other marginalized genders in the legal profession and decision-making processes. This can involve efforts to increase the representation of women and other marginalized genders in legal education, the judiciary, and legislative bodies. Overall, achieving gender justice in law requires a sustained commitment to addressing gender-based discrimination and inequality through legal reforms, implementation and enforcement of laws and policies, and the promotion of gender equity in legal systems and decision-making

processes. Achieving gender justice requires a multifaceted approach that includes policy changes, education and awareness-raising, legal reforms, and social and cultural transformation. Gender justice requires the involvement of individuals, communities, institutions, and governments. It requires a commitment to challenging gender stereotypes, addressing gender-based violence, and promoting the participation and leadership of women and other marginalized genders in decision-making processes. Gender justice also involves advocating for policies and practices that promote gender equity, such as pay equity, parental leave, and affordable childcare. Ultimately, gender justice is about creating a society where all individuals are valued and treated with dignity and respect, regardless of their gender.

GENDER JUSTICE : EMPOWERING VOICES, ERASING BIASES.



**LABELS ASIDE,
WE ARE ALL UNIQUE
WE ARE ALL VALID**



SAYANTI BAISHYAYA

The term 'gender justice' is used to characterize a process whereby people impacted by discrimination are provided with opportunity to achieve both equity and equality. Our Chief Justice Of India D.Y. Chandrachud once remarked that the concept of gender is far more complex and the definition of a biological male and biological female is not restricted to a person's genitals. Ideally, the term 'gender justice' provides equal freedom for personal choices without any limitation of rigid gender roles, orthodox thought and patriarchal political prejudices. By valuing different aspirations and

treating them with great respect, media and public representatives together can transform the society with awareness. It provides a place where men, women and third genders can be treated as proper human beings and without the burden of unjustified social categories.. The case S. Sushma and Anr. Versus Commissioner of Police and Ors. (2021) in Madras High Court deserves mention in this regard. A writ petition was filed by two lesbian women against police harassment on lodging a missing complaint. The Court suggested comprehensive measures to sensitize the society and various



branches of the state and federal government including the Police and judiciary to remove prejudices against the LGBTQIA community. The Court suggested that changes be made to the curricula of schools and universities to educate students on understanding the queer community. It was observed that such inferior communities face a lot of hostility from the society which can endanger their safe existence.

The recent decisions of the Supreme Court as reflected in the recent judgments on the Triple Talaq case to the very controversial Sabarimala case and abolition of Section 377 of the Indian Constitution reveal its proactive role in ensuring gender justice not only in the best interest of women but also that of all human beings. The abolition of the practice of triple talaq that demands wives to be in servitude to their husbands has resulted in creating a positive wave towards the establishment of uniform civil code. All these judgments have also emphasized the significance of the process whereby gender justice may be achieved in our society.

UNDERSTANDING TRANSGENDERS


UPAYAN CHAKRABORTY

Transsexual people are the individuals whose characters are unique in relation to the stereotypical standards, which divide the sexes into two categories that are male or female. Our society has neglected to acknowledge the orientation of the transsexual people and thus they experience large scale segregation, social persecution and physical brutality. There are different categories of transsexual individuals who are distinguished as Hijras, jogappas, Sakhi, Aradhis and so on but there are also individuals who do not have similar character traits. They are, thus simply referred to as transsexual individuals.

Transsexual individual is considered as individuals whose orientation

character is unique in relation to the orientation they were believed to be upon entering the world. Transsexual individual signifies "an individual whose orientation doesn't coordinates with the orientation that was doled out to them at their birth yet they are the people with intersex variety and orientation eccentric".

They are individuals who are brought into the world with male or female life systems yet they do not feel the same as their body structure as their orientation articulation, personality or conduct contrasts from the sex of their birth. Transsexual individuals attempt to communicate their orientation through their personality in numerous ways as in way of



behaving, dressing or demonstrating characteristics to live as per the orientation they feel is appropriate for them. In the process they reject the conventional system of orientation that is simply split among male and female and distinguish themselves as transsexual or queer.

This article manages the transsexual freedom in India as the transsexual reserve the option to be perceived as a third orientation and are qualified for legitimate security under the law. Special privileges are similarly ensured under the Indian Constitution to the transsexual individual as our Constitution ensures equity and uniformity for every single resident of India.

The Transgender Person (Protection of Right) Act, 2019 has been constituted to ensure denial against segregation in the questions of work, training and wellbeing. Government assistance is also to be enlisted wherever necessary to safeguard the freedom of the transsexual individual.

BEYOND BOUNDARIES, TOWARDS GENDER JUSTICE.

SATHI GHOSH



Gender justice is a crucial aspect of any progressive society. It encompasses the principles of equality, dignity and fairness for all genders. Unfortunately in India achieving gender justice remains an elusive goal for everyone. Despite numerous efforts and legal provisions, our country continues to grapple with many deep rooted gender inequalities. This essay will explore the reasons why gender justice is still a dream in India.

India's social fabric is deeply entrenched in patriarchal norms and customs where men traditionally hold positions of power and authority. This patriarchal mindset perpetuates discrimination against women and reinforces gender stereotypes. Women often face limitations in gaining access to education, employment opportunities and decision making roles hindering their progress and empowerment.

India has been grappling with a distressing level of gender based violence, dowry deaths and female infanticide even in the present century. The prevalence of such violence reflects the deep rooted misogyny and lack of respect for women's rights. Despite constitutional provisions for gender equality, women's political representation remains significantly lower. The lower rate of representation of women in decision making bodies at various levels perpetuates an imbalance of power. Moreover, their voices and perspective are often sidelined hindering the formulation and implementation of effective policies to address gender disparities.

Economic disparity between genders exacerbates the challenge faced by women in India. Gender pay gaps, limited access to formal employment and lack of financial inclusion contribute to their



economic vulnerability. The absence of equal opportunities for women in the work force hampers their financial independence and hinders their ability to break free from traditional gender roles.

Although India has enacted various laws to protect women's rights and ensure gender justice, the implementation and enforcement mechanism often falls short. Many cases of gender based violence go unsolved due to delay in the legal process, corruption and inadequate support system for survivors. The lack of effective implementation hampers the impact of Legislative measures in achieving gender justice.

Thus we can see that gender justice in India remains a distant dream due to deeply ingrained patriarchal structures, gender based violence, limited political representation, economic disparity, prevalent cultural norms and inadequate implementation of laws. It is imperative for the government, civil society and individuals to work together to challenge the existing inequalities and create an inclusive society where every gender is treated with dignity and equality.



BRISTEE BISWAS

SAME-SEX RELATIONSHIPS

AGAINST INDIAN CULTURE?

LGBT community has been marginalized and stigmatized for centuries with little or no legal or social recognition. However, in recent years, the community has made significant strides in terms of legal recognition and social acceptance

But those who are against it say that it goes against Indian Culture. They have some common issues like - we are just copying western culture, it doesn't go with the Indian society, doesn't even cope with the Indian family. Sadly, most of the Indians think like that without knowing the actual history.

In India, where Hinduism is mostly practiced religion, the opposing party claims that this is against Indian culture, even Hinduism as well. But both Hindu and Muslim

histories show multiple mentions of homosexual relationships. In Rigveda, two male Gods named Mitra and Varuna are said to have a child together.

Mahabharata has the story of Shikhandi, who was born a daughter but raised as a man. ISKCON author Amar Das has researched Sanskrit scriptures and written a book named Tirthya Prakriti. It says that there was a lot of participation of homosexual, transgender and inter-sex community. There are a lot of differences between today's and old Hindu society. Hindu scripture KAMASUTRA (second century) mentions that gays were called Kilibas, lesbians were called Swarinis. Even two people of the same sex could raise a child together. It was absolutely natural because they were just being themselves. In many versions of Ramayana, it is mentioned that King Dilip, who died without an heir, had two wives. Lord Shiva blessed both of the wives to have a child without a man by copulating. The kid was named Bhagirath -



it comes from Bhagas which means two female organs. In Muslim history, Sufi poet called Shah Hussain is believed to have fallen in love with a Hindu boy

Madho Lal (they were buried together after death in Lahore). Even Mughal emperor Babar had a similar experience. In his memoir a boy named Baburi in Kabul. Indian temples like Khajuraho (950 A.D. -1050 A.D.) in Madhya Pradesh have sculptures that depict acceptance of same sex relationships. In this temples the sculptures, characters perform homosexual acts. Therefore, legalizing same-sex relations or marriages in India was not influenced by the western culture but actually Indian culture itself. Britishers had planted this wrong mindset among Indians. In 1938, Lord Macaulay codified Article 377 of the IPC drafting that

homosexuality is unnatural, being homo could land one jail.

Society and family are made by humans and they are also humans. Being just different in sexual orientation, they do not deserve to be criticized, disrespected and bullied. They also deserve a normal life. Freedom of expression is not just about body art or the right to speak. It is all about expressing ourselves however we feel necessary. Many families accept, celebrate their identity however, many do not. So, it is just up to us to be more accepting and inclusive as a society so that we can just accept love as it and not put any gender biasness. Love can never be restrained by any religion, culture or country, though it sacrement irrespective of any gender in every religion. It is all about celebrating a powerful emotion that brings people together, helps them form bonds and create meaningful connections - this is LOVE in every shape or form. One must accept the fact that it is not necessary for a boy to love only a girl or a girl to love only a boy. Everyone has the right to pursue happiness, love whoever they choose and be with them for lifetime regardless of their gender identity.

EQUALITY IS A CURE TO SOCIAL DISEASES



AKSHITA DUBEY

The term 'gender justice' signifies an intersectional approach that centers around the diverse needs, experiences, and leadership of people most impacted by gender based discrimination and oppression. This approach helps achieve both equity (equal distribution of resources, access, and opportunities) and equality (equal outcome for all). In India, it is believed that women enjoyed an equal status as men in the Vedic Period. The education of women

held considerable significance, especially revealed by the works of Katayana and Patanjali. The Upanishadas and the Vedas have cited women sages and seers. But the condition declined considerably with the passage of time. Historical practices such as Sati, Jauhar, Purdah and Devdasis, child marriage, are a few traditions reflective of the gender imbalance in Indian society. Though these practices are largely defunct now, due to legal reform, the essence of the dysfunctional gender equity still is rampant and manifested today through domestic violence, trafficking, dowry deaths, female infanticide, female foeticide, sexual



objectification and violence and sexual harassment at work place. Gender Justice, simply put refers to equality between the sexes. Gender justice is a correlation of social, economic, political, environmental, cultural and educational preconditions which should be satisfied for achieving gender justice. Globally, gender justice as a cause has gained in strength over the years, as it has been realized that no state can truly progress if half of its population is held back. The struggle for equal rights, freedom and justice has been made by human rights activists, feminists, NGO's and through governmental support. Even though considerable progress has been made in this regard, women are still lagging behind. With globalization, numerous complex issues are faced by women and the third gender that thwart their normal and unfettered development. Apart from these issues, there are still many cultures in the world where the condition of women is still deplorable, they still have no control or right over themselves or their bodies or their children. The condition is worse in Africa and the Middle East.

Gender Justice refers to harmonizing of rights and needs of .

women and all other marginalized genders into mainstream society. Justice in this sense means more balanced behaviour, an end to violence and equal distribution of social necessities. There are various legislations that have been passed in India with a view to curb the imbalance in gender hierarchy and aid in women's empowerment. The Constitution of India guarantees various rights for women in this regard. This can be evidenced in Part III of the Constitution which deals with fundamental rights and Part IV which deals with Directives Principles of State Policy. Article 14 states that there shall be equal protection of the law and equality before the law which means that the Courts or any Law enforcement agency should not discriminate between a man and a woman. The Right to Equality is the foundation on which other laws are formulated and can be implemented. Without the Right to Equality, the purpose of gender justice cannot be achieved. Article 15 guarantees the right against discrimination. The prejudice and bias against women is rampant an issue to be countered by the right to equality, hence the right against discrimination. Article 15(3) talks about the special

protection for women. Article 16 provides the right to equal opportunity in terms of public employment irrespective of the sex of the person. This provision aids women to start participating in elections and the decision making process. In this regard it is important to mention the 74th amendment, made for the reservation for women in panchayats. Apart from the provisions in the Constitution, certain other legislations were also passed to promote the cause of women. The Dowry Prohibition Act was passed in 1961 which dealt with the practice of receiving and giving dowry. Dowry has been one of the age old customs in India and a major problem faced by women especially in rural areas. Dowry deaths are also quite common. Section 304B of the Indian Penal Code deals with the offence of Dowry death and the punishment for which is imprisonment for a term of not less than seven years or life imprisonment. Despite the legislation, dowry as a custom continues to thrive.

The problem of domestic violence has been a long standing issue for women. Section 498 A deals with the crime of cruelty by the husband or the relatives of the husband. All the provisions that have been included in the Constitution and other enactments are reflective of the aim of gender justice but the implementation of all these provisions has been challenging.

Thus despite the measures formulated for curbing the gender imbalance, in practice though, women still continue to face the same complexities. As per the latest Census the sex ratio in India is 927 females to every 1000 males and this has been declining for the last four decades. This is a significant indication of the miserable condition of the women in our country.

Gender development is a key component of the development and overall welfare of any state. Various NGO's and governmental agencies, UN agencies, activists have been promoting gender rights and have been vocal in their protest against discrimination.

However, comprehensive gender justice is a difficult goal in a country like India. The diversity of cultures is vast and there is a lot of rigidity in traditions and beliefs. Lack of education, lack of development, poverty, improper enforcement of the laws, lack of awareness among women, deep rooted patriarchal norms, economic insecurity of women lead to the subversive condition of women in our society. Even though sex equality laws also explicitly include trans-genders and the rights have been extended to gay and lesbian communities, there is still a lot to be done.





SUBHANJANA ROY

INTEGRATION OF TRANSSEXUALS IN MARRIAGE NORMS – A CRITICAL ANALYSIS

identity-that is, their internal sense of where they exist in relation to being man or woman. A wide variety of terms can be used to describe a person whose sexual identity is different from their assigned sex.

All human beings possess different kinds of beliefs, convictions, preferences and rights. So it is imperative that such rights should be valued, acknowledged and given due preference. Even though all individuals, irrespective of their gender have been given due weightage with regard to and to their sex, unfortunately the lot of transsexuals were negligent enough and thoroughly discriminated against due to social taboos and social impediments. Though international conventions give recognition to the inherent dignity of every human being, still the transsexuals suffer to get recognition as human beings.

There are many people who realize that the gender assigned to them does not match their gender

When anatomical sex is considered, we come across two types of diversity that is, a transvestite who has an intense desire to -

1. Transvestite: The transvestite is an individual (nearly, if not always a man) who has an intense desire to dress up in the clothes of the opposite sex and the transsexual who has a deeper perception of belonging to a different gender.

2. Transsexuals: A transsexual is one who in some deeper sense believes that they are another gender.

Similarly, Transsexualism is of two kinds as follows-

- A female-to-male [FTM] transsexual man [Trans man] is someone who was labelled female at birth but has a male gender identity and therefore transitions to live completely and permanently as a man. If we consider their marriage situations, then they would prefer



to marry a female.

- A male-to-female [MTF] transsexual woman (Trans woman) is someone who was labelled male at birth but has a female gender identity, and therefore transitions to live completely and permanently as a woman. In case of a marriage, they would opt for marriage with another male.

A very important issue on right to marriage of transsexuals came in *Corbett v Corbett* [(1971) P. 83, (1970)2 All E.R. 33]. The court held that a person's legal sex for the purpose of marriage was immutably fixed at birth, and that any surgical intervention, such as gender reassignment surgery, must be ignored.

In India, the situation is the worst as they are transformed into objects of disgrace and humiliation in many matters particularly when they want to tie the knot. There is no recognition of the rights of transsexuals who are sexual minorities and if they get married, the marriage is considered as same-sex marriage. For the purpose of marriage, however, sex is determined by a person's biological sex at the time of birth. Sex reassignment is, therefore, not recognised by courts. Consequently, a transsexual who has undergone sex reassignment surgery cannot marry a person of the opposite gender identity, as in the eyes of the law both parties are biologically of the same sex and the marriage would therefore be void.

In this 21st century and even after 75 years of independence, our government has paid no heed to improve the disgraceful conditions in which they are forced to live.



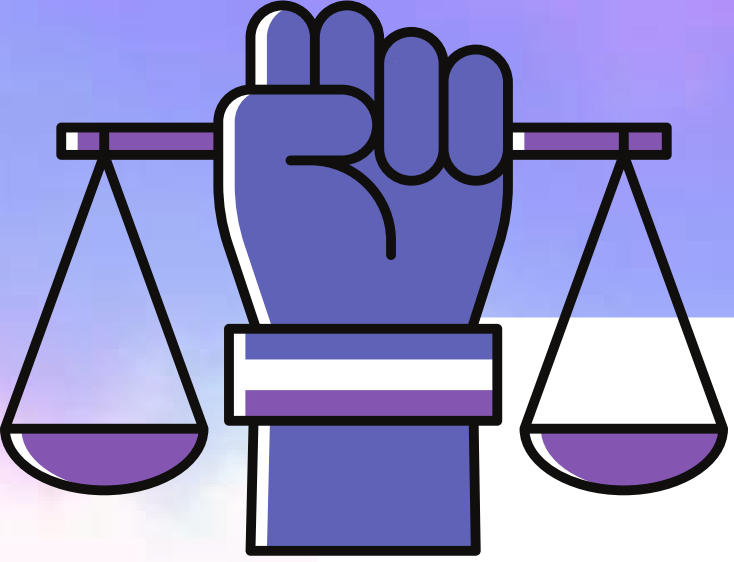
Law cannot be the panacea for each and every problem and a positive societal response is the most significant solution that can make the difference. However, pragmatic and judicious decisions from the judiciary are necessary in order to reconstruct the human society and make it conducive for all categories of human beings who can then exist as per their choices and preferences. Law should be sex and gender neutral, therefore their lot looms large when a transsexual person could be constitutionally precluded from exercising that right altogether. This entire group of people should not be deprived of this cherished right to marry merely because they do not fit the definition of "male" or "female."



IMAGE GALLERY



**GENDER
EQUALITY
MONTH
MONTH**



APARUPA CHAKRABORTTY

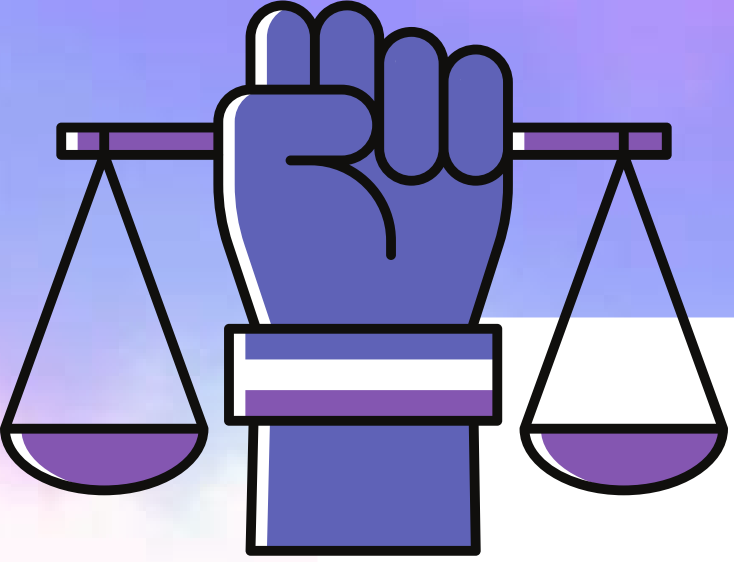




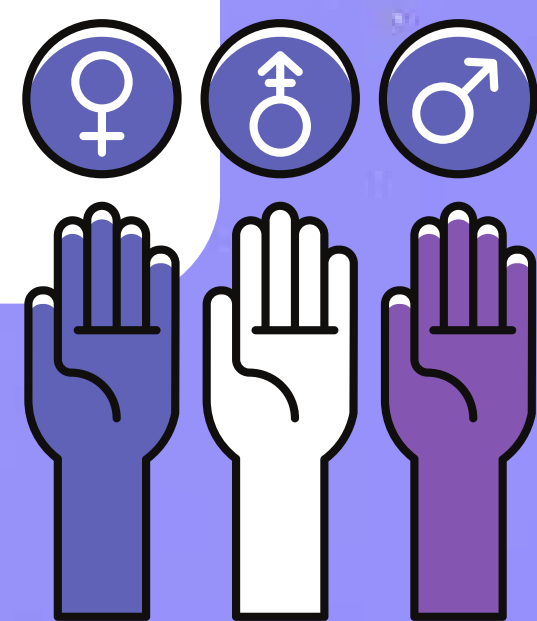
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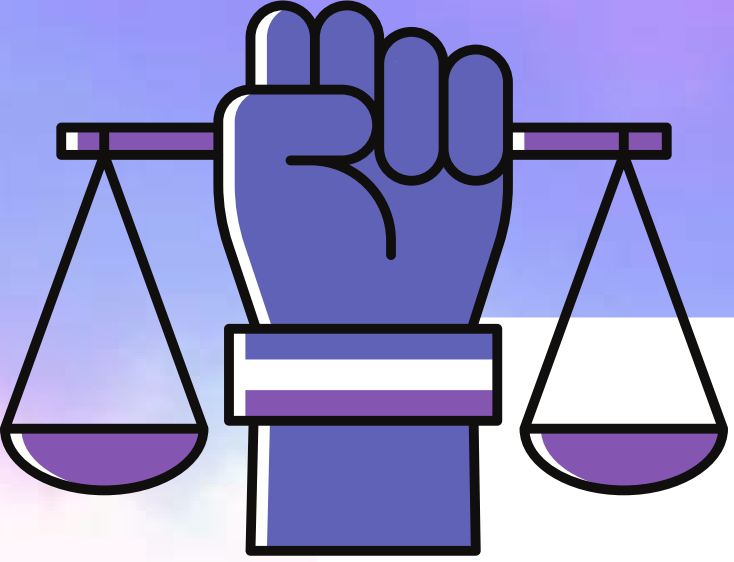


SUBHANJANA ROY





SUBHANJANA ROY

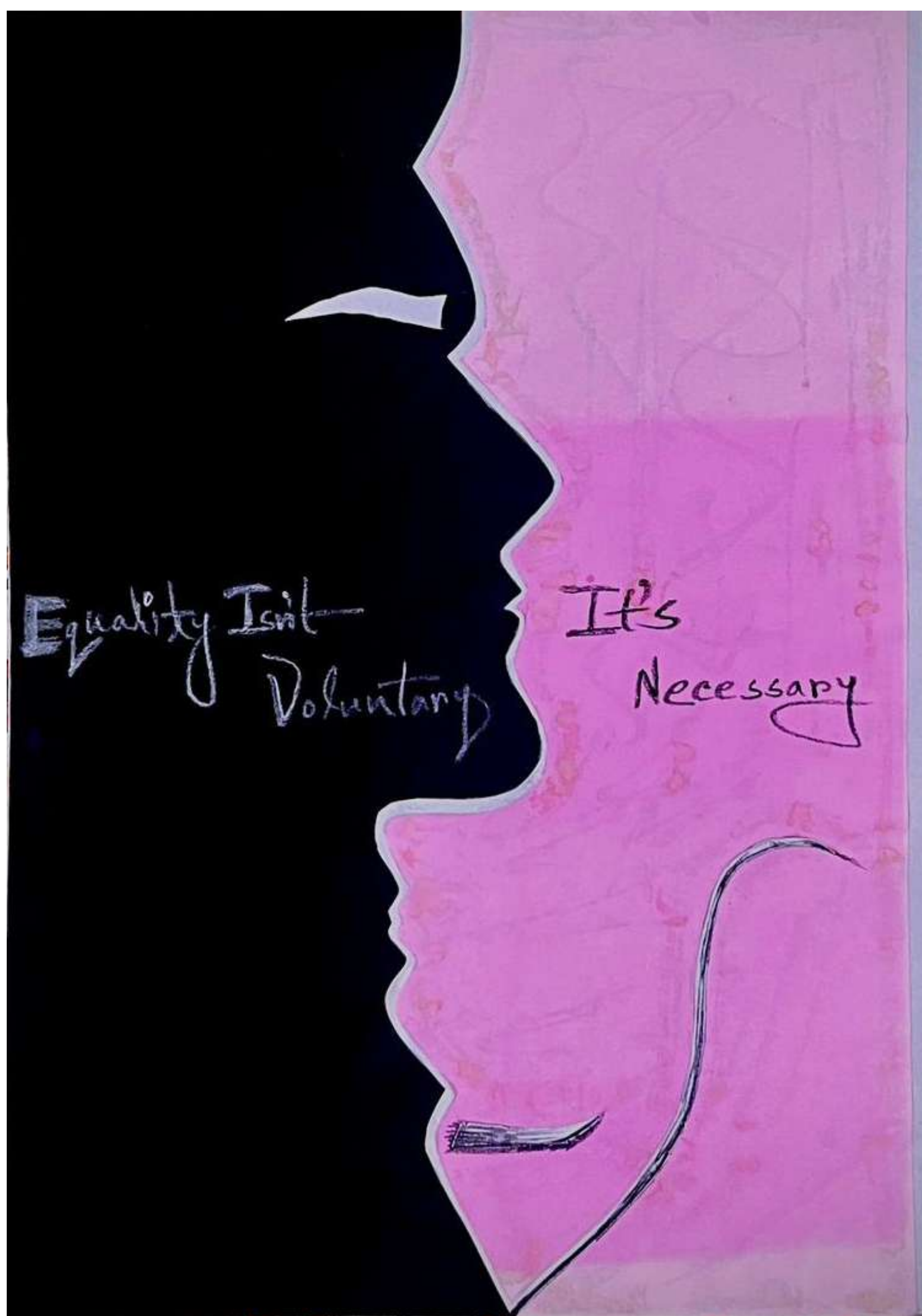
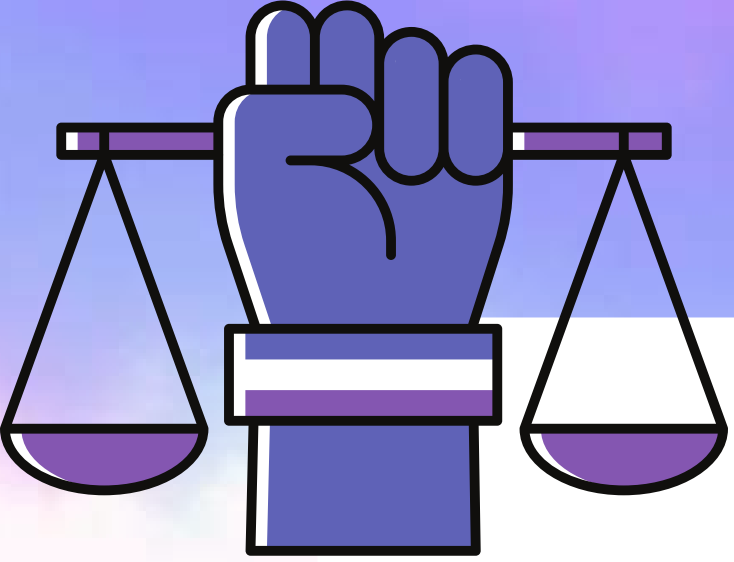


MUKTA GUPTA





APARUPA CHAKRABORTTY

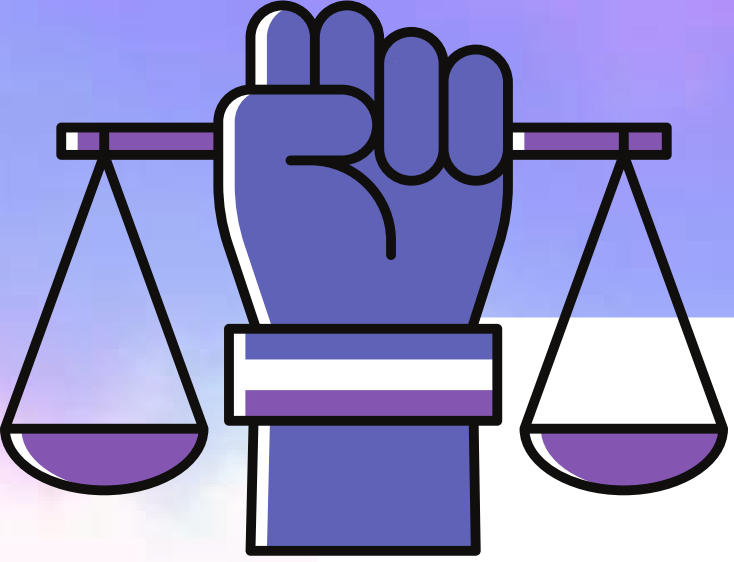


SHYAMAL CHOWDHURY

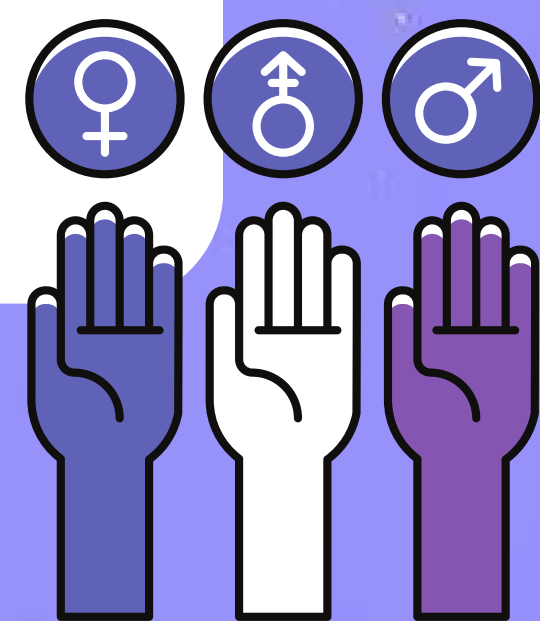




BRISTEE BISWAS



ARCHITA PAUL





SUPARNA CHAKRABORTY

BE

GENDER

NEUTRAL.

LUMINARIES

AISHWARYA RUTUPARNA PRADHAN

AISHWARYA IS INDIA'S FIRST OPENLY TRANSGENDER CIVIL SERVANT AND WORKS WITH THE INDIAN FINANCIAL SERVICES. SHE LEGALLY CHANGED HER GENDER IDENTITY AFTER THE 2014 SUPREME COURT RULING WHICH RECOGNISED INDIVIDUALS FROM THE TRANSGENDER COMMUNITY AS THE THIRD GENDER.

DUTEE CHAND

A PROFESSIONAL SPRINTER FROM INDIA, DUTEE CHAND HAS PUBLICLY DECLARED THAT BEING A LESBIAN SHE IS INVOLVED IN A SAME-SEX RELATIONSHIP. THIS INCIDENT MADE HER THE FIRST AND ONLY OPENLY GAY ATHLETE IN INDIA.

NAVTEJ SINGH JOHAR

THE FIRST SIKH TO TAKE UP BHARATNATYAM AS A DANCE FORM, NAVTEJ IS A SANGEET NATAK AKADEMI AWARDEE. IN JUNE 2016, JOHAR AND FIVE OTHERS FROM THE LGBT COMMUNITY , FILED A WRIT PETITION IN THE SUPREME COURT OF INDIA CHALLENGING SECTION 377 OF THE INDIAN PENAL CODE. IN THE YEAR 2018, NAVTEJ SINGH JOHAR AND OTHERS V. UNION OF INDIA BECAME A LANDMARK CASE WHEN THE SUPREME COURT UNANIMOUSLY DECLARED THE LAW UNCONSTITUTIONAL "IN SO FAR AS IT CRIMINALISES CONSENSUAL SEXUAL CONDUCT BETWEEN ADULTS OF THE SAME SEX"

RITUPARNO GHOSH

RITUPARNO GHOSH WAS AN INDIAN FILM DIRECTOR, ACTOR, WRITER AND LYRICIST IN BENGALI CINEMA. HE WAS ONE OF THE VERY FEW OPENLY HOMOSEXUAL PEOPLE IN INDIAN CINEMA. HE WAS CONSIDERED AN ICON OF THE LGBT COMMUNITY IN INDIA. IN A CAREER SPANNING NEARLY TWO DECADES, GHOSH WON 12 NATIONAL FILM AWARDS AND MANY INTERNATIONAL AWARDS.

NAAZ JOSHI

NAAZ JOSHI IS A MOTIVATIONAL SPEAKER, TRANS RIGHTS ACTIVIST, AND INDIA'S FIRST TRANSGENDER INTERNATIONAL BEAUTY QUEEN. SHE IS INDIA'S FIRST TRANSGENDER COVER MODEL, AS WELL AS THE WORLD'S FIRST TRANS WOMAN TO WIN AN INTERNATIONAL BEAUTY PAGEANT. BEING A CISGENDER WOMAN, SHE IS INDIA'S FIRST TRANSGENDER SHOW-STOPPER, AND INDIA'S FIRST TRANSGENDER MODEL.

ANJALI AMEER

MALAYALI ACTRESS ANJALI AMEER IS INDIA'S FIRST OPENLY TRANSGENDER ACTRESS, PLAYING THE LEAD OPPOSITE SOUTH SUPERSTAR MAMMOOTTY IN THE TAMIL FILM 'PERANBU.'

DR. MANABI BANDOPADHYAY

SHE IS INDIA'S FIRST OPENLY TRANSGENDER COLLEGE PRINCIPAL. SHE IS WEST BENGAL'S FIRST TRANSGENDER TO COMPLETE A PH.D. AND BECOME A LECTURER. SHE STARTED OH-MANAB IN 1995, A MAGAZINE SPECIFICALLY FOR THE HIJRA COMMUNITY.

SATYASRI SHARMILA

SHARMILA REGISTERED AS TAMIL NADU'S FIRST TRANSGENDER LAWYER IN 2018. AFTER OBTAINING GRADUATION IN LAW IN 2007, SHE WAITED FOR OVER A DECADE BEFORE SHE GAINED THE CONFIDENCE TO REGISTER HERSELF AS A LAWYER TO HELP HER COMMUNITY TO RISE AGAINST THE ATROCITIES THEY HAVE BEEN FACING FOR YEARS NOW.

PRINCE MANVENDRA SINGH GOHIL

HE'S THE FIRST ROYAL IN INDIA TO COME OUT AS HOMOSEXUAL AFTER WHICH HE STARTED A TRUST CALLED THE LAKSHYA TRUST TO EDUCATE PEOPLE FROM THE LGBTQIA+ INDIVIDUALS ABOUT PROTECTED SEX.

GAURI SAWANT

IN 2014 SHE BECAME THE FIRST TRANSGENDER INDIVIDUAL TO FILE A PETITION WITH THE SUPREME COURT OF INDIA FOR ADOPTION RIGHTS OF TRANSGENDER PEOPLE. SHE IS CURRENTLY THE DIRECTOR OF SAKSHI CHAR CHOWGHI TRUST THAT RUNS TO PROVIDE COUNSELING AND ASSISTANCE TO TRANS PEOPLE AND THOSE WITH HIV/AIDS. SHE WAS ONE OF THE PETITIONERS IN THE CASE THAT RECOGNISED TRANSGENDER AS THE THIRD GENDER. SHE IS SERVING AS THE GOODWILL AMBASSADOR OF ELECTION COMMISSION IN MAHARASHTRA. GAURI HAS AN ADOPTED DAUGHTER, GAYATRI WHOSE MOTHER WAS A SEX WORKER AND DIED WHEN SHE WAS JUST FOUR YEARS OLD.

LAXMI NARAYAN TRIPATHI

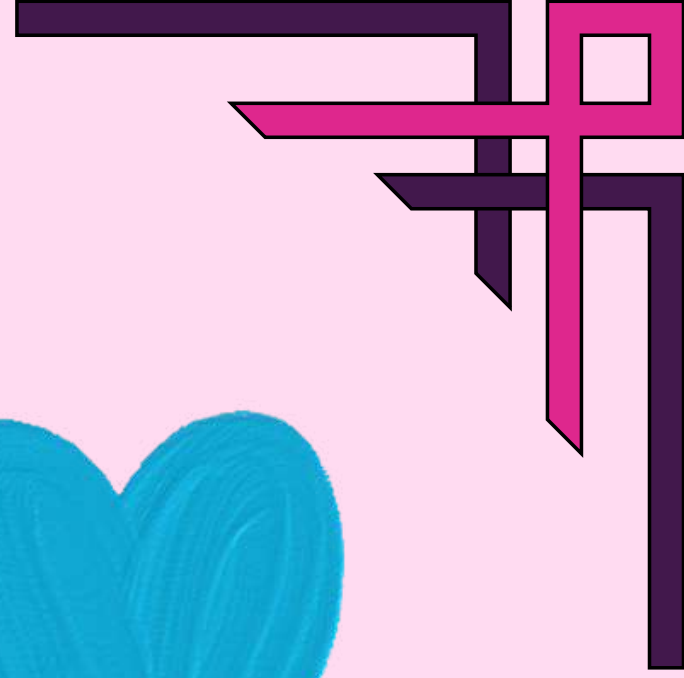
LAXMI NARAYAN TRIPATHI IS ONE OF THE MOST INFLUENTIAL TRANSGENDER PEOPLE. SHE IS A BHARATNATYAM DANCER AND AN ACTIVIST. SHE IS THE FIRST TRANSGENDER PERSON WHO REPRESENTED ASIA PACIFIC IN THE UN IN 2008. SHE WORKED WITH SEVERAL NGOS BEFORE STARTING HER OWN ORGANISATION, ASTITVA IN 2007 WHICH CATERS TO RAISING A VOICE FOR THE SEXUAL MINORITIES.

HARISH IYER

HE IS THE FIRST OPENLY GAY PERSON IN INDIA WHO JOINED A POLITICAL PARTY EVEN AFTER COMING OUT OF HIS CLOSET.

ANWESH SAHOO

HE IS THE YOUNGEST WINNER AT THE MR. GAY WORLD INDIA IN THE YEAR 2016 WHICH BROUGHT IN THE OPPORTUNITY OF BECOMING A PUBLIC SPEAKER FOR HIM.



Embrace the

DIFFERENCE





LEGAL SAFEGUARDS FOR LGBTQIA+ COMMUNITY

1. DECRIMINALISATION OF SECTION 377:

IN THE YEAR 2018, THE SUPREME COURT OF INDIA HAS PARTLY DECRIMINALISED THE SECTION 377 OF THE INDIAN PENAL CODE, 1860, IN THE CASE OF NAVTEJ SINGH JOHAR V. UNION OF INDIA AIR 2018 SC 4321 BY THE CONSTITUTIONAL BENCH HEADED BY THEN CJI JUSTICE DIPAK MISHRA. THE ERSTWHILE SECTION 377 CRIMINALISED SEXUAL INTERCOURSE BETWEEN HOMOSEXUAL PEOPLE. THE JUDGMENT WAS A BABY STEP TOWARDS THE BATTLE OF EQUAL RECOGNITION AND NORMALISATION OF THE PEOPLE OF LGBTQ COMMUNITY. IN THE KS PUTTUSWAMY CASE THE APEX COURT HELD THAT RIGHT TO PRIVACY IS A PART OF ARTICLE 21. IN NAVTEJ SINGH JOHAR'S CASE THE SUPREME COURT OF INDIA HELD THAT EXISTENCE OF SECTION 377 VIOLATES RIGHT TO PRIVACY AND HENCE IT IS UNCONSTITUTIONAL; THE JUDGMENT WAS MADE IN CONSONANCE WITH THE PUTTUSWAMY'S CASE.

ON THE LINES OF DECRIMINALISATION OF SECTION 377, PETITIONS ARE FILED IN THE COURTS FOR RECOGNITION OF SAME-SEX MARRIAGES.

2. TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019:

IN THE CASE OF NATIONAL LEGAL SERVICES AUTHORITY V. UNION OF INDIA AIR 2014 SC 1863, THE APEX COURT HAS RECOGNISED TRANSGENDER AS THE THIRD GENDER. IT WAS THE MOST CELEBRATED JUDGMENT AND ON THESE LINES IN THE YEAR 2014 FIRST EVER BILL FOR THE RIGHTS OF TRANSGENDER COMMUNITY HAD BEEN INTRODUCED, HOWEVER, IT WAS LAPSED IN THE YEAR 2016. THE PRESENT LAW WAS INTRODUCED IN THE YEAR 2019 BUT WAS HIGHLY

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CRITICISED AS IT WAS PASSED HAPHAZARDLY. THE PURPOSE OF THIS LEGISLATION IS TO PROVIDE EQUAL ACCESS TO EDUCATION, JOBS AND OTHER OPPORTUNITIES TO THE TRANSGENDER PEOPLE.

THE ACT PROHIBITS ANY KIND OF DISCRIMINATION AGAINST THE TRANSGENDER COMMUNITY, FURTHER IT PUNISHES ANY KIND OF ABUSE TOWARDS TRANSGENDER UNDER SECTION 354, SECTION 354A, SECTION 354B, SECTION 376, SECTION 498A, SECTION 499 OF INDIAN PENAL CODE, 1860. THIS PIECE OF LEGISLATION ALSO PROVIDES FOR MEDICAL FACILITIES, SHELTER HOMES AND REHABILITATION OF THE PEOPLE OF COMMUNITY. IT FURTHER PROTECTS THE PEOPLE OF TRANSGENDER COMMUNITY FROM THEIR HOSTILE FAMILIES AND PROVIDES PROVISIONS FOR THEIR WELFARE.

3. RESERVATION TO TRANSGENDER PEOPLE:

IN THE YEAR 2014, IN THE CASE OF NATIONAL LEGAL SERVICES AUTHORITY V. UNION OF INDIA AIR 2014 SC 1863, THE APEX COURT DECLARED TRANSGENDER AS THE THIRD GENDER. BY VIRTUE OF THIS DECLARATION THE TRANSGENDER HAS BEEN MADE ELIGIBLE TO THE RESERVATION POLICY OF INDIA. THE TRANSGENDER COMMUNITY HAS BEEN GRANTED EDUCATIONAL AND ECONOMIC RESERVATION ACCORDING TO THE CONSTITUTION OF INDIA.

4. CONSTITUTIONAL RIGHTS:

A. RIGHT TO EQUALITY: ARTICLE 14 OF THE CONSTITUTION PROVIDES ONE AND ALL AN EQUAL STATUS BEFORE THE LAW AND AN EQUAL PROTECTION OF LAWS WITHIN THE TERRITORY OF INDIA. THE WORD "ANY PERSON" HERE MEANS EVERY INDIVIDUAL, WITH NONE DISCRIMINATION SUPPORTED ANY OF THE CATEGORY WHICH INCLUDES, CASTE, CREED, RELIGION, SEX, ETC.

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IN THE CASE OF, NATIONAL LEGAL SERVICE AUTHORITY V. UNION OF INDIA, THE INTERPRETATION OF THE WORD PERSON WAS WIDENED AND WAS HELD THAT ARTICLE 14 OF THE INDIAN CONSTITUTION DOES NOT RESTRICT THE WORD 'PERSON' AND ITS APPLICATION ONLY TO MALE OR FEMALE. HIJRAS/TRANSGENDER PERSONS WHO ARE NEITHER MALE/FEMALE FALL WITHIN THE EXPRESSION 'PERSON' AND, HENCE, ENTITLED TO LEGAL PROTECTION OF LAWS IN ALL SPHERES OF STATE ACTIVITY, INCLUDING EMPLOYMENT, HEALTHCARE, EDUCATION AS WELL AS EQUAL CIVIL AND CITIZENSHIP RIGHTS, AS ENJOYED BY ANY OTHER CITIZEN OF THIS COUNTRY. THE TRANSGENDER COMMUNITY FALLS WITHIN THE PURVIEW OF THE CONSTITUTION OF INDIA AND THEREBY THEY ARE ENTITLED TO ALL THE RIGHTS AS GUARANTEED UNDER THE SAME.

B. EQUALITY OF OPPORTUNITY AND RIGHT AGAINST ALL FORMS OF DISCRIMINATION: ARTICLES 15 AND 16 PROHIBIT DISCRIMINATION AGAINST ANY CITIZEN ON CERTAIN ENUMERATED GROUNDS, INCLUDE THE BOTTOM

OF 'SEX'. IN FACT, BOTH THE ARTICLES PROHIBIT ALL VARIETIES OF GENDER BIAS AND GENDER-BASED DISCRIMINATION. CONSTITUTION MAKERS, GAVE EMPHASIS TO THE ELEMENTAL RIGHT AGAINST SEX DISCRIMINATION SO ON PREVENT THE DIRECT OR INDIRECT ATTITUDE TO TREAT PEOPLE DIFFERENTLY, FOR THE EXPLANATION OF NOT BEING IN CONFORMITY WITH STEREOTYPICAL GENERALIZATIONS OF BINARY GENDERS. BOTH GENDER AND BIOLOGICAL ATTRIBUTES CONSTITUTE DISTINCT COMPONENTS OF SEX. BIOLOGICAL CHARACTERISTICS, OF COURSE, INCLUDE GENITALS, CHROMOSOMES AND SECONDARY SEXUAL FEATURES, BUT GENDER ATTRIBUTES INCLUDE ONE'S CHARACTER, THE DEEP PSYCHOLOGICAL OR EMOTIONAL SENSE OF SEXUAL IDENTITY AND CHARACTER. THE DISCRIMINATION ON THE BOTTOM OF 'SEX' UNDER ARTICLES 15 AND 16, THEREFORE, INCLUDES DISCRIMINATION ON THE BOTTOM OF IDENTITY.

ARTICLES 15(2) AND 16(4) HAS ALSO BEEN INTERPRETED TO PROVIDE SOCIAL EQUALITY TO THESE COMMUNITIES SUCH AS EQUALITY IN PUBLIC EMPLOYMENT, IT PROVIDES THAT THE STATES SHALL HAVE THE POWER TO MAKE ANY SPECIAL PROVISION FOR THE BETTERMENT OF THESE VULNERABLE MINORITY WHO ARE NOW INCLUDED WITHIN THE CATEGORY OF SOCIALLY AND EDUCATIONALLY BACKWARD CLASSES.

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C. RIGHT TO LIFE AND PERSONAL LIBERTY: ARTICLE 21 OF THE CONSTITUTION OF INDIA READS AS FOLLOWS: PROTECTION OF LIFE AND PERSONAL LIBERTY – NO PERSON SHALL BE DEPRIVED OF HIS LIFE OR PERSONAL LIBERTY EXCEPT ACCORDING TO PROCEDURE ESTABLISHED BY LAW.” ARTICLE 21 IS THE HEART AND SOUL OF THE INDIAN CONSTITUTION, WHICH SPEAKS OF THE RIGHTS TO LIFE AND PERSONAL LIBERTY. RIGHT TO LIFE IS ONE OF THE BASIC FUNDAMENTAL RIGHTS AND NOT EVEN THE STATE HAS THE AUTHORITY TO VIOLATE OR TAKE AWAY THAT RIGHT.

IN THE CASE OF, R. COELHO V. STATE OF TAMIL NADU IT WAS STATED THAT, THE RIGHT TO CHOOSE ONE’S OWN IDENTITY IS ONE OF THE MOST ESSENTIAL RIGHT UNDER THIS ARTICLE TO LIFE WITH DIGNITY. THE TRANSGENDER COMMUNITIES HAVE A RIGHT TO DIGNIFIED LIFE WHICH IS ONE AMONGST THE MOST IMPORTANT ASPECTS OF ARTICLE 21 OF THE CONSTITUTION OF INDIA. RECOGNITION OF GENDER IDENTITY PROVIDES THE POPULARITY OF THEIR RIGHT TO DIGNITY AND NON-RECOGNITION VIOLATES THE IDENTICAL, THEY NEED FULL RIGHT TO BE PRECISE AND LIVE THEIR LIFE WITHOUT FEAR. ALSO, THE PROPER REPUTATION EXTENDS TO THEIR PROTECTION.

D. RIGHT AGAINST EXPLOITATION: THE SCOPE OF ARTICLE 23 OF THE CONSTITUTION OF INDIA IS EXTREMELY WIDE BECAUSE IT INCLUDES WITHIN ANY TYPE OF DISCRIMINATION WHICH ARE FORBIDDEN. IMMORAL ACTIVITIES LIKE PROSTITUTION ARE USUALLY SEEN DOWN IN SOCIETY.

EVERYONE INCORPORATES A RIGHT TO NON-PUBLIC DEVELOPMENT, AND THIS MIGHT BE SECURED ONLY WHEN THERE EXISTS A RIGHT AGAINST EXPLOITATION WHICH CREATES A FREE ENVIRONMENT FOR AN INDIVIDUAL. TRANSGENDERS ARE THE WORST VICTIMS OF EXPLOITATION; DUE TO THEIR DEGRADED ECONOMIC STATUS THEY INDULGE INTO PROSTITUTION AND OTHER IMMORAL ACTIVITIES AND ARE USUALLY SEEN AS TABOO BY THE SOCIETY. THE INTENTION BEHIND THIS ARTICLE IS TO SECURE INDEPENDENCE OF A PERSONAL IDENTITY BY PREVENTING EXPLOITATION OF MEN BY MEN.

5. STATE LAWS:

A. STATE OF KARNATAKA: THE 2017 NATIONAL TRANSGENDER POLICY WAS ISSUED BY THE GOVERNMENT OF KARNATAKA IN OCTOBER 2017 AND AIMS TO RAISE AWARENESS OF TRANSGENDER PEOPLE IN ALL STATE EDUCATIONAL INSTITUTIONS. EDUCATIONAL INSTITUTIONS ADDRESS ISSUES OF ABUSE, VIOLENCE AND DISCRIMINATION AGAINST TRANSGENDER PEOPLE. AN OVERSIGHT COMMITTEE WAS ALSO SET UP TO INVESTIGATE ALLEGATIONS OF DISCRIMINATION.

B. STATE OF MAHARASHTRA: THE TRANSGENDER WELFARE BOARD WAS ESTABLISHED BY THE GOVERNMENT OF MAHARASHTRA IN FEBRUARY 2019 TO IMPLEMENT HEALTH PROGRAMS AND PROVIDE FORMAL EDUCATION AND EMPLOYMENT OPPORTUNITIES FOR TRANSGENDER PEOPLE. THE BOARD PROVIDES FREE HOUSING TO SCHOLARSHIP APPLICANTS AND OFFERS SKILLS DEVELOPMENT PROGRAMS TO HELP TRANSGENDER PEOPLE FIND EMPLOYMENT.



C. STATE OF KERALA AND TAMIL NADU: THE FIRST INDIAN STATES TO INTRODUCE TRANSGENDER WELFARE POLICIES WERE TAMIL NADU AND KERALA. UNDER THIS POLICY, TRANSGENDER PEOPLE WILL RECEIVE FREE

HOUSING, VARIOUS CITIZENSHIP DOCUMENTS, ADMISSION TO STATE COLLEGES WITH FULL SCHOLARSHIPS FOR HIGHER EDUCATION, AND ALTERNATIVE INCOME SOURCES THROUGH THE ESTABLISHMENT OF SUPPORT GROUPS (FOR SAVINGS) AND INTRODUCTION OF INCOME-GENERATING PROGRAMS ARE AVAILABLE. (IGP). TAMIL NADU WAS THE FIRST STATE IN WHICH A MEMBER OF THE TRANSGENDER COMMUNITY ESTABLISHED A TRANSGENDER WELFARE ORGANIZATION. IN 2016, KERALA STARTED OFFERING FREE SURGERIES IN PUBLIC HOSPITALS.



D. STATE OF WEST BENGAL: WEST BENGAL ESTABLISHED THE TRANSGENDER WELFARE COMMISSION IN 2015 TO COORDINATE ALL POLICY-MAKING AND DEVELOPMENT EFFORTS RELATED TO THE STATE'S TRANSGENDER POPULATION. HOWEVER, THE COMMISSION HAS BEEN CRITICIZED BY MANY TRANSGENDER ACTIVISTS AS A "CIRCUMFLEXED FAILURE". THE BOARD IS SUPPOSED TO MEET ONCE A MONTH WITH REPRESENTATIVES FROM MANY STATE GOVERNMENT DEPARTMENTS, BUT AS OF JULY 2017, IT HAS ONLY CONVENED FIVE TIMES.

E. STATE OF BIHAR: THE BIHAR GOVERNMENT ANNOUNCED THE ESTABLISHMENT OF A TRANSGENDER WELFARE ORGANIZATION IN JULY 2019. THE COMMISSION WILL INVESTIGATE AND REPORT ON THE SOCIAL AND LEGAL DIFFICULTIES FACED BY TRANSGENDER PEOPLE IN THE STATE AND PROVIDE FINANCIAL ASSISTANCE UP TO RUPEES - 150,000 FOR GENDER REASSIGNMENT SURGERY. ADDITIONALLY, ANYONE WHO DENIES TRANSGENDER PEOPLE ACCESS TO HOUSING OR MEDICAL FACILITIES COULD FACE UP TO HER TWO YEARS IN PRISON.



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FOR ALL

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TO BE
DIFFERENT

