



Certificate Course

Human Rights of Transgender, Intersex, and Gender-Diverse People in India

6-9 May 2019, O.P. Jindal Global University

In the case of *National Legal Services Authority (NALSA) v. Union of India*, a two-judge Supreme Court bench legally recognized the right of self-determination of gender identity for transgender people in India. The Court expressed a clear desire that the judgment should go beyond mere symbolism in legally recognizing gender self-identification. They issued directions to the Central and State governments to facilitate implementation of the judgment at the community-level. These directions expressly reflect a desire to include transgender people within the ambit of Socially and Educationally Backward classes of citizens for the purposes of reservations in cases of admission in educational institutions and for public appointments. Further, the Court directed Centre and State governments to operate separate HIV Sero-surveillance Centres for transgender people, take measures to provide medical care in hospitals, and create separate public toilet facilities for them. The Court also encouraged governments to take steps to increase public awareness and facilitate the creation of an inclusive societal environment for transgender/intersex/gender-diverse people.

While NALSA is hailed as a landmark judgment in constitutional law, much of its success has been unable to penetrate social realities. The Transgender Persons (Protection of Rights) Bill 2018 that was recently passed by the Lok Sabha is evidence of the government's unwillingness to meaningfully consult transgender people and address their concerns. Despite the directives issued by the Court in *NALSA*, this Bill failed to adopt a rights-based framework and provided very few safeguards against human rights violations. Transgender and other gender diverse people continue to face harassment and abuse by State officials and private individuals without access to legal remedies. One of the predominant reasons for this is the lack of information and awareness amongst transgender people about their constitutional and legal, substantive and procedural rights. Despite being fundamentally affected by the decision, many transgender people are divorced from the legal proceedings.

The Centre for Health Law, Ethics and Technology (CHLET) at Jindal Global Law School recognizes that there is a significant need for the legal domain to continuously engage with the social realm. With this purpose, CHLET released the *Handbook on Rights of Transgender and Gender Non-Conforming People* in September 2018. It was the culmination of a semester-long clinical course at the University, in collaboration with civil society networks, NGOs and INGOs, namely India HIV/AIDS Alliance, Multiple Action Research Group (MARG) and the International Commission of Jurists (ICJ). CHLET and the ICJ are currently working on translating the handbook into various regional languages. The manual is intended to be a simplified supplement to the existing substantive and procedural criminal law, various identification processes, and rights of transgender, intersex, and gender-diverse people under the Constitution.

Taking this initiative further, CHLET has developed a four-day residential certificate course for transgender/intersex/gender-diverse people at the O.P. Jindal Global University campus in Sonapat, from 6th May 2019 to 9th May 2019 titled *Human Rights of Transgender, Intersex and Gender Diverse People*. This is a fully funded, residential course.

The certificate course will be conducted through a series of workshops, and will adopt a method of demystification of the law. The workshops endeavor to provide a safe space for empowerment and constructive engagement with the concrete realities of the law. For transgender, intersex and gender diverse people to be able to effectively claim the enforcement of their rights or redressal in the event of a rights violation, the law must be deconstructed into clear and concrete terms that are accessible to the community. The workshops will allow transgender people to interact with legal professionals, judicial experts and law students, and be exposed to demystified law removed from its abstract jargon. It will also provide a platform to disseminate the CHLET handbook.

The course will cover the following key topics through various practical sessions:

- **Constitutional Law** – Participants will be informed about relevant Constitutional Law provisions such as the right to equality, non-discrimination, privacy and freedom of expression, as well as important judicial pronouncements such as *NALSA* and *Navtej Johar*. The approach will be to explain the normative content of the Constitution in practical terms, so participants can understand the implications of these provisions on equality, self-determination, right to life and liberty so as to enable them to make meaningful use of this knowledge. Important principles of international human rights law and issues of discrimination in access to housing, employment, and other economic, social, and cultural rights will also be addressed.
- **Criminal Law** – The workshops aim to inform participants about the provisions relating to arrest and the filing of a First Information Report. Further, as transgender people often engage in begging and/or sex-work, the workshops will thematise anti-begging laws and sex-work related provisions in the law. Key legislations covered here will be the Immoral Traffic (Prevention of) Act, the Immoral Traffic (Suppression) Act, and relevant IPC provisions.
- **Obtaining Government Identification Documents** – In the absence of a uniform procedure, the variety of documents needed to apply, and the opaque nature of the procedure as well as the documents required in the specific case of gender-variant persons, this part of the workshop will inform participants about the purpose of various identification documents and how to acquire them.
- **Right to Information and Public Interest Litigation** – The workshops will involve practical application of the laws and inform participants on how to file RTIs as well as the process of approaching courts to file PILs.

In light of recent Supreme Court judgments on privacy (Puttaswamy) and decriminalization of homosexuality (Navtej Johar), this certificate course will arm transgender, intersex and gender diverse people with the necessary knowledge and legal training necessary to interact effectively with the justice system.

If interested, please send an expression of interest to chlet@jgu.edu.in by 22nd March, 2019. We invite transgender/intersex/gender diverse activists working with NGOs, CBOs, on the field or at the grassroots level to apply for this opportunity.

All participants must attend every session during the course in order to receive the certificate.

The course will be held at the O.P. Jindal Global University Campus from 6th to 9th May, 2019. Travel funding, course registration, course material, accommodation and food will all be paid for by the organizers.