

## **Gender Sensitization**

### **Handouts for Instructors**

#### UGC Blueprint

- UGC tells universities to make campuses safer, gender sensitive



The Cell was formed in accordance with the guidelines on sexual harassment prevention in the workplace, issued by the Honorable Supreme Court of India in 1997 and in accordance with the VISHAKHA guidelines of Supreme Court and endorsed in SAKSHAM report of the University Grants Commission. The cell aims to sensitize and create awareness about gender justice among the academic and non-academic community in this educational institution. The cell has organized seminars, and interactive sessions with eminent speakers and activists and aims to conduct many such seminars and workshops for the benefit of all stakeholders of this institution. The members of the said cell had also propagated their ideas in such events.

## Constitution of India

- Article 14 Ensures gender equality.

Article 14 of the Constitution of India reads as under: “The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”<sup>1.2</sup> The said Article is clearly in two parts –while it commands the State not to deny to any person ‘equality before law’, it also commands the State not to deny the ‘equal protection of the laws’. Equality before law prohibits discrimination. It is a negative concept. The concept of ‘equal protection of the laws’ requires the State to give special treatment to persons in different situations in order to establish equality amongst all. It is positive in character. Therefore, the necessary corollary to this would be that equals would be treated equally, whilst un-equals would have to be treated unequally

- Article 15 Prohibits discrimination on grounds of sex.

Article 15 secures the citizens from every sort of discrimination by the State, on the grounds of religion, race, caste, sex or place of birth or any of them. However, this Article does not prevent the State from making any special provisions for women or children. Further, it also allows the State to extend special provisions for socially and economically backward classes for their advancement. It applies to the Scheduled Castes (SC) and Scheduled Tribes (ST) as well.

- Article 16 Provides for equality of opportunity in public employment.

Article 16 assures equality of opportunity in matters of public employment and prevents the State from any sort of discrimination on the grounds of religion, race, caste, sex, descent, place of birth, residence or any of them. This Article also provides the autonomy to the State to grant special provisions for the backward classes, under-represented States, SC & ST for posts under the State. Local candidates may also be given preference in certain posts. Reservation of posts for people of a certain religion or denomination in a religious or denominational institution will not be deemed illegal.

- Article 39 Enjoins the State to provide an adequate means of livelihood to men and women.

Article 39 comes under the ambit of the socialist type of moral principle. Along with Article 39 (certain policies shall be taken into consideration by the state), Article 38 (protection of social order), Article 41(Right to work and education and in public assistance), Article 42 (maternity relief and human condition) Article 43 (participation of workers in industries management) and Article 45 (for childhood care especially, educations for the children below six years of age) are the part of this type of principle.

Article 39 of the constitution describe that while framing policies, i.e., state would strive to provide adequate means of livelihood to every person including women, equal pay for equal work, which is very important as earlier women get lesser from

men as it was a stereotype that women has less energy in comparison to men but state comes into the picture directly and make this moral principle in part IV of the Constitution of India, next is a resource distribution, and finally the safety of citizen, their healthy development including of children is all provision which state must take himself into consideration for making any kind of rules or policies.

- Article 51 A (e) Makes it a duty of every citizen to renounce practices derogatory to the dignity of women.

Article 51 A lays down the following ten fundamental duties:-one among them is (e) to promote harmony and the spirit of common brotherhood amongst all the people of India diversities ; to renounce practices derogatory to the dignity of women ;

## Transgender

- **Transsexuals** are defined as people who **live, or wish to begin living**, in the **gender role associated with the other sex** from the one in which they were born and raised.
- **Transgender** is a **broad term** that includes transsexuals as well as cross-dressers, androgynes, and others who self-identify as transgendered.
- **Transgenders** are **generally deprived of the fundamental rights available to the other two sexes** - male and female. They have always been excluded from effectively participating in social and cultural life, economy and politics and in the decision making processes.
- **Prohibition against discrimination:** The Bill prohibits the discrimination against a transgender person, including denial of service or unfair treatment in relation to: (i) education; (ii) employment; (iii) healthcare; (iv) access to, or enjoyment of goods, facilities, opportunities available to the public; (v) right to movement; (vi) right to reside, rent, or otherwise occupy property; (vii) opportunity to hold public or private office; and (viii) access to a government or private establishment in whose care or custody a transgender person is.
- **Right of residence:** Every transgender person shall have a right to reside and be included in his household. If the immediate family is unable to care for the transgender person, the person may be placed in a rehabilitation centre, on the orders of a competent court.
- **Employment:** No government or private entity can discriminate against a transgender person in employment matters, including recruitment, and promotion. Every establishment is required to designate a person to be a complaint officer to deal with complaints in relation to the Act.

- **Education:** Educational institutions funded or recognised by the relevant government shall provide inclusive education, sports and recreational facilities for transgender persons, without discrimination.
- **Health care:** The government must take steps to provide health facilities to transgender persons including separate HIV surveillance centres, and sex reassignment surgeries. The government shall review medical curriculum to address health issues of transgender persons, and provide comprehensive medical insurance schemes for them.
- **Certificate of identity for a transgender person:** A transgender person may make an application to the District Magistrate for a certificate of identity, indicating the gender as 'transgender'. A revised certificate may be obtained only if the individual undergoes surgery to change their gender either as a male or a female.
- **Welfare measures by the government:** The Bill states that the relevant government will take measures to ensure the full inclusion and participation of transgender persons in society. It must also take steps for their rescue and rehabilitation, vocational training and self-employment, create schemes that are transgender sensitive, and promote their participation in cultural activities.
- **Offences and penalties:** The Bill recognizes the following offences against transgender persons: (i) forced or bonded labour (excluding compulsory government service for public purposes), (ii) denial of use of public places, (iii) removal from household, and village, (iv) physical, sexual, verbal, emotional or economic abuse. Penalties for these offences vary between six months and two years, and a fine.
- **National Council for Transgender persons (NCT):** The NCT will consist of: (i) Union Minister for Social Justice (Chairperson); (ii) Minister of State for Social Justice (Vice- Chairperson); (iii) Secretary of the Ministry of Social Justice; (iv) one representative from ministries including Health, Home Affairs, and Human Resources Development. Other members include representatives of the NITI Aayog, and the National Human Rights Commission. State governments will also be represented. The Council will also consist of five members from the transgender community and five experts from non-governmental organisations.
- The Council will advise the central government as well as monitor the impact of policies, legislation and projects with respect to transgender persons. It will also redress the grievances of transgender persons.

