



Centre for Law and Policy Research

Annual Report 2020-2021

1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021

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## I. INTRODUCTION

The year 2020 – 21 was completely taken over by the pandemic. The COVID-19 pandemic hit us with the government imposed lockdowns for most of the year in 2020. This not only took a toll on everyone at CLPR as many of staff and employees and their family members were infected with COVID-19 and were hospitalised, it also forced us to change our work strategies, implement work from home routines and change the focus of some of our projects.

We tried to continue our initiatives such as ConQuest with an online version, which was also a huge success. Our events moved to zoom webinars which were exciting at first but extremely exhausting as the pandemic wore on. Despite zoom fatigue we found that many of our events which we held online were extremely useful in building networks and interacting with groups and activists across the country which was extremely useful.

Our strategic litigation took on COVID-19 related relief especially seeking rations and health care for the most vulnerable groups including transgender persons, persons with disabilities, Devadasis and sex workers. Because courts became virtual, this enabled us to seek relief not just in Karnataka but in courts across the country, which was a positive outcome of the pandemic.

Jayna Kothari  
Executive Director

## II. CONSTITUTIONAL CULTURE

### 1.The Constitutional and Civic Citizenship Project

The Constitutional and Civic Citizenship project has been supported by the Friedrich Naumann Foundation even in 2020-21. During this period CLPR worked on several initiatives under the Constitutional and Civic Citizenship umbrella.

#### 1.1 ConstitutionofIndia.net

The scope of CADIndia has expanded far beyond what was envisioned when it was launched in 2016. It is no longer just a database of the Constituent Assembly Debates, and the name 'CADIndia' did not accurately represent everything that the website has to offer. In July 2020 we renamed the website to reflect what it is now: a one-stop shop for everything related to the Constitution of India: Constitutionofindia.net.



While the unique 'search' function continues to be the flagship and widely popular feature of the site, over the years, Constitutionofindia.net has expanded to include constitutional education materials, sharp historical-analytical takes on contemporary events and informational pages on Constitution framers and the constitution-making process. In the last quarter of 2020-2021 Constitutionofindia.net focused on making the content and material on the website more accessible. In light of this we have initiated efforts to add content in Hindi.

#### Content Addition

In 2020-2021, CLPR continued its efforts to augment the accuracy of the search engine by reviewing and improving editorial tagging and formatting of the Constituent Assembly Debates (CADs) transcripts. In furtherance of our efforts to make our content more accessible, we have uploaded Hindi versions of all these CADs. We added the following to our content this year:

- 2 new Historical Constitutions: These are pre-1946 documents that express Indian constitutional history aspirations and British legislation.
- 80 biographies of Constituent Assembly members.
- Summaries of the Constituent Assembly Debates: around 100 Articles of the Constitution.
- Monthly Content: In addition to static write-ups, Constitutionofindia.net has produced a range of content that engages with contemporary legal, political, and social developments through a constitutional and political history lens. Our content highlighted various contemporary issues

like COVID-19 pandemic, farmers' protest and prisoners' rights. In 2020-21 we have continued to add our popular monthly content: 'This Month in Constitution Making'.

- 44 Blog Posts.
- 38 Desk Briefs which have a constitutional take on contemporary matters were emailed to our subscribers.



## Website

No major revamp of the website was done in 2020-21, though some tweaks were made to the site's functionality. We have added Hindi versions of the CADs.

The ConstitutionofIndia.net website had a total of 1.2 million users in 2020-2021. The total number of users increased by 270% from the previous year.

## Events

- CLPR's [constitutionofindia.net](https://constitutionofindia.net) team conducted a fun quiz on the Constitution of India at Church Street on 23<sup>rd</sup> January, 2021.





- (ii) Jayna Kothari spoke on “Re-imagining the Constitution of our times- Equality, Values, Rights, Citizenship on 23<sup>rd</sup> January, 2021 to commemorate the Republic Day. Dr. Kalpana Kannabiran was another panellist for this workshop. It was organised by Citizens’ Forum India (CFI).

## **1.2 Conquest Quiz**

The fifth edition of ConQuest: India’s premier national quiz on the Indian Constitution, Politics, and History was organised in 2020. The quiz was open to undergraduate and graduate students. Due to the COVID-19 pandemic, there were a few changes to the fifth edition of ConQuest. Firstly, it was held completely online, allowing participants from all over the country to join. Secondly, we replaced Regional Finals Rounds with Knockout Rounds which paired the top 8 teams from each Regional Preliminary Round against each other. We live streamed the Knockout Rounds and the Grand Finale on CLPR’s YouTube channel.

Friedrich Naumann Foundation was the primary supporter of ConQuest 2020. Senior Advocate Arvind Datar continued his support for prize money and trophies. Walnuts Knowledge Solutions was our knowledge partner. ThePrint was our digital partner for this edition as well.

ConQuest saw around 200 three-member teams from colleges across India participating in the preliminary rounds. Of these, 32 teams competed in four Knockout Rounds. The top eight teams made it to the Grand Finale. The team from Government Law College, Mumbai emerged as the winner of ConQuest 2020.



### 1.3 National Constitutional Society

The National Constitution Society (NCS) is a network of Constitution societies in colleges/universities across India that aims to create and sustain a vibrant constitutional culture in India which was initiated by CLPR.

On 27<sup>th</sup> June 2020, NCS conducted a webinar on 'Prisoners & the Pandemic: Health, Safety and the Constitution'. The panelists for the webinar were Jayna Kothari and Prof (Dr.) Sanjeev P. Sahni, Principal Director of Jindal Institute of Behavioral Sciences. Kruthika R, Research Associate, CLPR, moderated the event. The webinar was livestreamed on CLPR's YouTube channel.

### 1.4. National Constitution Museum

In August 2020, the Indira Gandhi National Centre for the Arts (IGNCA) approached CLPR to develop materials for a 'Museum on Constitution' as part of the Prime Ministers' Museum at Nehru Memorial and Museum Library, New Delhi. CLPR prepared summaries of the CADs on specific themes, biographies of women Assembly members, write ups on key constitutional amendments and transcripts of CADs segregated by topic.

## 2. Publications

- (i) Thulasi K Raj, 'Restricting Free Speech through Bail Orders', NLSI Review, January 7, 2021
- (ii) Thulasi K Raj, 'The Union government's assault on free speech', Frontline February 26, 2021
- (iii) Jayna Kothari & Champaka Rajgopal, 'The Central Vista Project & The Loss of The Public-Trust Doctrine', Article 14, June 3, 2021

- (iv) Ritambhara Singh & Arun P S, 'A Brief Response to "Law-Making by and for the People: A Case for Pre-legislative Processes in India"', Law & Other things, August 29, 2020
- (v) Madhavi Gopalakrishnan & Kruthika R, 'NEP Gets the Language Problem Wrong', Socio Legal Review, September 14, 2020
- (vi) Thulasi K Raj, 'The Empty Promise of Socio-Economic Rights', Socio Legal Review, August 5, 2020



### III. GOVERNANCE REFORM

During the year 2020-2021 our work in the field of governance reform covered research around information regulation.

#### 1. ‘The Philosophy and Law of Information Regulation in India’ Project

‘The Philosophy and Law of Information Regulation in India’ project, under the Ethics in AI Research Award by Facebook, is an effort to collate multi-disciplinary scholarship on law and philosophy of information regulation, with a specific focus on India.

As a part of the project, CLPR put out a call for submissions of papers from multi-disciplinary fields of law, history of science, science and technology studies, informatics and information sciences, political and economic philosophy, design studies, and other related fields to reflect on the relationship between law, technology and information, with specific reference to the institutions of public law in India.

CLPR also organised a two-day online workshop as a part of the project, on December 11 and 12, 2020. The workshop brought together scholars across disciplines to critically reflect on the emergent information society in India, and forge new pathways and collaborations for research, scholarship and practice which can inform the law and regulation of information in India. The papers presented at the workshop will form a part of an upcoming open-access publication by CLPR.

#### 2. Events

- (i) Dr. Sudhir Krishnaswamy, spoke at the launch of Legal Hackers, a volunteer-led grassroots legal innovation community of over 450 chapters around the world committed to creative problem solving at the intersection of law, design and technology on 22<sup>nd</sup> April 2020 over Zoom.
- (ii) Jayna Kothari spoke on the topic of “Product Liability under Consumer Protection Act, 2019” on August 25<sup>th</sup>, 2020 in a National Webinar Series on “The Consumer Protection Act, 2019, Rules & Regulations.” It was organised by Chair on Consumer Law and Practice, National Law School of India University, Bangalore.
- (iii) Jayna Kothari spoke on ‘Data Privacy and Tech Art’ at ‘Bangalore Fantastic’ event on 23<sup>rd</sup> October, 2020. She addressed the question of what digital privacy means in these changing online times. ‘Be Fantastic’ is the flagship event of Jagga.in.

#### 3. Publications:

- (i) Almas Shaikh, ‘Facebook, Hate Speech & Corporate Criminal Liability: Business & Human Rights Obligations of Communication Technology-Based Platforms’, RSRR, February 11, 2021

- (ii) Thulasi K Raj, 'COVID-19 and the Crisis in Indian Democracy', Verfassungs blog, February 26, 2021
- (iii) Thulasi K Raj, 'Prashant Bhushan: A case for judicial introspection', Deccan Herald, August 23, 2020
- (iv) Mathew Idiculla, 'A Right to the Indian City? Legal and Political claims over housing and urban space in India', August 5, 2020
- (v) Almas Shaikh, 'Situating Access to Justice During COVID-19: India's Business and Human Rights Obligations', Socio-Legal Review, October 19, 2020

## IV. TRANSGENDER RIGHTS

CLPR's work on transgender rights continued with the same passion and energy in 2020. Our work includes legal research, litigation, legal aid and advocacy.

### 1. TransLaw Cell

The TransLaw cell continued to function with the support of GiveOut. The TransLaw Cell is a free walk-in legal clinic. In 2020-21, the Cell provided aid to around 20 clients. These legal services were mainly for the purpose of changing their names and gender identity in various documents, preparing affidavits for undergoing Hormonal Replacement Therapy and Sex Reassignment Surgery and assisting with litigation

### 2. South Asian TransLaw Database

CLPR's South Asia TransLaw Database brings together law and policy resources in the field of transgender rights in South Asia. The South Asian TransLaw Database has been updated to include the latest legal developments in the South Asian region. In 2020-21, 10 judgments and 8 policies and reports have been added to the website. Also, country and theme filters have been added to the site to enable users to navigate the database more easily.

In 2020-21, the database has been visited 45,470 times.

### 3. Trans Law Quarterly

CLPR started a quarterly newsletter on transrights. This newsletter aims to cover the fast-evolving laws, activism and practices related to the transgender rights movement. The Quarterly has sections dedicated to developments in litigation and court, legislation and international law.



#### 4. Transform 2020

On 5-6<sup>th</sup> December 2020, CLPR held the fourth edition of Transform at the Bangalore International Centre. The discussions at the conference highlighted specific vulnerabilities of the trans-community in India and globally, both during and post the pandemic, and charted ways to address them. Sessions were dedicated to themes that included: Trans in the State of COVID-19, Transgender Persons (Protection of Rights) Act, 2019, Thinking through the Intersections of Trans Identity, Reservations: Identity, Equality & the Constitution and Politics & the Future of Trans Persons.

In addition to leading transgender rights activists, lawyers, and researchers from India, the conference also saw speakers like Dr. Brian Horton from Brandeis University, USA, Antonia Belcher, UK and Grace Maingi from the Uraia Trust, Kenya joining in virtually. Although the event was held physically it was also live-streamed for those who could not make it due to the pandemic.





## 5. Litigation

- (i) *Sangama v. State*: CLPR filed an intervention application seeking horizontal reservations to be provided to transgender persons in public employment and provide assistance in the complex legal issues that arise with regard to reservation for transgender persons. In this regard, the State has now passed the Karnataka Civil Services (General Recruitment) (Amendment) Rules, 2021. The Amendment provides 1% horizontal reservation for transgender persons under sub-rule (1D) of Rule 9. This was a huge victory for the trans-community and CLPR, as Karnataka became the first state in India to implement horizontal reservations for transgender persons.
- (ii) *Kabeer v. State of Kerala*: **This was a petition** filed in the Kerala High Court seeking relief for transgender persons including providing rations without ration cards, access to health care and cash benefits during the period of the COVID pandemic. On 8<sup>th</sup> June 2020, the High Court of Kerala disposed of the matter by directing that necessary steps be taken to ensure that ration cards and identity cards are issued to transgender persons and that medicines are supplied free of cost to the members of the community after showing medical prescriptions.
- (iii) *All Assam Transgender Association v. Union of India*: CLPR filed a PIL on behalf of All Assam Transgender Association challenging the appointment of members in the National Council for Transgender Persons under the Transgender persons (Protection of Rights) Act, 2019 as many of these persons appointed were not working for transgender rights. The High Court has admitted the petition and issued notice to the Respondents.
- (iv) *Grace Banu & Ors. v. Union of India*: CLPR has filed a PIL in the Supreme Court representing 5 prominent transgender activists challenging Sections 4, 5, 6, 7, 12(3), 18(a) and 18(d) of the Transgender Persons (Protection of Rights) Act, 2019. Notice has been issued to the Union by the order dated 12.06.2020.
- (v) *Grace Banu v. Chief Secretary, Tamil Nadu (12035 of 2021)*: CLPR filed a Public Interest Litigation on behalf of a transgender activist, Grace Banu, before the Madras High Court, seeking cash relief for transgender persons during the second wave of COVID-19 who did not have ration cards and also special vaccination drives. The Madras High Court passed orders directing that cash relief be provided and that the State will consider vaccinating transgender persons on a priority basis.
- (vi) *Mohd. Arif Jameel v. State of Karnataka*: CLPR has filed an intervention to a public interest litigation which prayed for relief measures during the COVID-19 lockdown asking for access to essential items such as food, medicines and vaccines. CLPR filed an Intervention Application on behalf of Ondede, an organisation working for the rights of transgender persons and Centre for Study of Social Inclusion and Inclusive Policy, NLSIU. The High Court passed orders directing the State Government to take care of food needs of citizens



who do not have ration cards especially to transgender persons, sex workers on production of an authenticated proof of identity. The case is ongoing.

- (vii) Thangjam Santa Singh @ Santa Khurai v. Union of India: CLPR filed a petition in the Supreme Court on behalf of Santa Khurai, a well-known trans rights activist from Manipur challenging the constitutional validity of Clauses 12 and 51 of the Guidelines on Blood Donor Selection and Blood Donor Referral, 2017 issued by the National Transfusion Council and the National Aids Control Organization. These guidelines prohibit men who have sex with men, female sex workers and transgender persons from being blood donors. This is a significant petition and will have great implications on the rights of LGBTQI persons and this was covered significantly in the media.
- (viii) Ondede v. Union of India: This is a public interest litigation filed by the Petitioners before the High Court of Karnataka challenging the constitutional validity of Sections 4, 5, 6, 7, 12(3), 18(a) and 18(d) of the Transgender Persons (Protection of Rights) Act, 2019. The petition has been filed stating that the impugned 2019 Act has been passed but the provisions are in violation of Articles 14, 15, 16 and 21 of the Constitution of India. This petition is currently pending and listed for final hearing.
- (ix) Vijayanti Vasanta Mogli v State of Telangana: In a petition filed by Vijayanti Vasanta Mogli, the Telangana High Court passed orders for protecting transgender persons during the COVID-19 lockdown in the State. It directed that the State must submit a report as to the concrete steps taken to ensure that the transgender persons have food grains, consumable items and medicines as per their needs and requirements. It also directed that ration must be available to all persons on the basis of Aadhaar.
- (x) Christina Lobo v. State of Karnataka: CLPR represented Christina Lobo, a transgender woman and who is a medical student, in a Petition where she sought that her CBSE certificate of marks (10th grade), PUC certificate (12th grade) and her degree records should reflect her changed name and gender identity as female. The High Court of Karnataka passed an order on 1.10.2020 allowing the petition and directed respondents to issue educational documents reflecting the chosen name and gender of the Petitioner. Christina has now got her new legal documents with her changed name and gender.

## 6. Events

- (i) CLPR organised a meeting to present the key findings of the recently published report titled “Exclusion Amplified – A Report on COVID-19 & the Transgender Community” on 3<sup>rd</sup> August, 2020.
- (ii) Jayna Kothari and Vikramaditya Sahai participated in FNF South Asia’s first online session #BornwithPride: The rights of transgender people in India on 23<sup>rd</sup> June 2020. These sessions discussed the issues that the LGBTQ+ community is facing in South Asia.

- (iii) CLPR organised an open consultation meeting on 25<sup>th</sup> July, 2020, to discuss the recently published Draft Transgender Persons (Protection of Rights) Rules, 2020 by Ministry of Social Justice and Empowerment.
- (iv) CLPR organised a meeting to present the key findings of the recently published report titled “Exclusion Amplified – A Report on COVID-19 & the Transgender Community” on 3<sup>rd</sup> August, 2020.
- (v) Jayna Kothari, participated in a live webinar organized by Jindal Global Law School on 4<sup>th</sup> August, 2020. She presented the important findings from the Policy Brief, [“Beyond the Binary: Advancing Legal Recognition for Intersex Persons in India”](#) published by CLPR.
- (vi) Jayna Kothari participated in a webinar on Feb 26<sup>th</sup>, 2021 with Give Out and Latham & Watkins to mark LGBTH Month in the UK

## 7. Publications

- (i) *“Beyond the Binary: Advancing Legal Recognition for Intersex Persons in India”, 2020:* In July 2020, CLPR published this brief which proposes the need for legal recognition of intersex persons and intersex rights. Legal recognition will create more awareness about the unique identity of intersex persons and will also help in curbing IGM and other forms of stigma faced by intersex persons.
- (ii) *“Exclusion Amplified: A report on how the pandemic has impacted the trans and intersex community in India”, 2020 :* The report detailed the impact of the COVID-19 lockdown on the transgender community and the consequent deprivation of livelihood, healthcare, food security, and housing among others.
- (iii) Jayna Kothari, ‘A Court Steps in For A COVID-Hit Community’, Article 14, May 1, 2020
- (iv) Thualsi K Raj, ‘We don’t want your blood’ exclusion of Sexual Minorities from Blood Donation’, RSRR, February 16, 2021.
- (v) Jayna Kothari, ‘Trans Equality in India: Affirmation of The Right to Self-Determination of Gender’, NUJS Law Review, September 25, 2020.
- (vi) Jayna Kothari, ‘Winding Path to Trans Equality (with Jayna Kothari and Tejas Pande) Do new laws and judgements address gender exclusion?’, BIC PODCAST, June 26, 2020
- (vii) Vikramaditya Sahai, ‘The Trans Act Is a Reflection of Our Broken Democracy’, Huff Post, June 9, 2020.



## V. DISCRIMINATION AND INTERSECTIONALITY

CLPR's work on discrimination and intersectionality primarily revolved around a project funded by the European Instrument of Democracy and Human Rights (EIDHR) that began in February 2018. In 2020-2021, the project comprised a range of elements including workshops, public events, publications, educational resources and litigation.

### 1. Equal Rights Trust Grant

CLPR received a small grant from the Equal Rights Trust in the UK to work on advocacy for an equality legislation. The project required CLPR to undertake a context analysis of threats and opportunities to the adoption of an equality law in India and produce a document on the advocacy strategy for the same. The project lasted from December 2020 to March 2021. Though it was a short grant, it encouraged CLPR to evaluate and strategies the advocacy for the Equality (Prohibition of Discrimination) Bill, 2021.

### 2. Workshops for Lawyers and Civil Society Organisations

CLPR continued to work on its EIDHR project on tackling caste discrimination in 2020. The COVID pandemic and the ensuing lockdown affected the realisation of many physical events planned under the project. Hence, many workshops were put on hold. After the first wave of the pandemic when things opened up slightly in 2021, CLPR held two workshops in Bangalore in January and February 2021 on the SC/ST Act and 'Prohibition of Employment of Manual Scavengers & their Rehabilitation Act 2013 (PEMSRA) and the Rules under this Act on 27<sup>th</sup> February 2021. They were held in collaboration with Thamate and CMASK (Committee for Monitoring and Strengthening SCs/STs in Karnataka).



### 3. Introducing Intersectionality Course

CLPR's course 'Introducing Intersectionality' which it had designed and prepared in 2019, was continued to be taught in 2020 as well. All of these courses were taught online and was taught by Vikramaditya Sahai, Aj Agarwal and Jayna Kothari. The course curriculum has been accessed by around 6500 students from across India to get a better understanding of caste discrimination along with gender, disability and sexuality. In the year 2020-2021, CLPR taught this course at the St. Joseph College of Law, Bangalore, Symbiosis Law School Hyderabad and NLSIU, Bangalore.



#### 4. Litigation

- (i) *HLSA v. State of Karnataka*: CLPR has impleaded on behalf of Thamate in a Public Interest Litigation filed against the State Government for failing to implement the provisions of the Prohibition of Employment of Manual Scavengers and Rehabilitation Act, (PEMSRA), 2013. Despite the provisions of the Act, the inhumane practice of using persons in manual scavenging has continued, leading to 68 deaths since 2008. Although the practice has been banned since the passage of the Act, it has continued in practice. As a result of this litigation, surveys of manual scavengers and insanitary latrines are being done, and rehabilitation measures have been provided to the families of victims. This petition is currently pending.
- (ii) *CMAK v. State of Karnataka*: This is a public interest litigation filed in the Karnataka High Court on behalf of *Parishishtaa Jaathi*, seeking implementation of SC/ST (Prevention of Atrocities) Act, 1989 (PoA). Due to this petition important orders were passed directing that the State Level Vigilance and Monitoring Committee meetings are conducted in the State and data regarding appeals, acquittals and charge-sheets were given by the State Government. This petition is currently pending.

#### 5. Events

- (i) Jayna Kothari participated in Anti-Discrimination Policy: Hackathon on May 2<sup>nd</sup>, 2020. NLS Queer Alliance and Pink List India hosted a hackathon with law students from across India to debate, discuss, and formulate a model anti-discrimination policy for gender and sexual minorities.
- (ii) Jayna Kothari spoke at a talk organised by the Oxford India Society in a webinar on the need for an Equality Law in India and LGBTQI rights on 31<sup>st</sup> Oct 2020.
- (iii) CLPR in collaboration with Gathr, Help a Stranger, and Dhvani Legal Trust hosted a conversation among some noteworthy personalities discussing their personal experiences, their evolution over time, and their understanding of the values that do and could animate their legal practice.
- (iv) The Quest Sociolegal Review in collaboration with CLPR and Dalit Camera organised a workshop on Manual Scavenging on 26<sup>th</sup> September, 2020 in which Jayna Kothari was one of the speakers.
- (v) On 29<sup>th</sup> March 2021, CLPR held an Expert Group Consultation for Advocacy of the Equality Bill. It was held at Bangalore International Centre. It was attended by 20 policy makers, academics, public intellectuals, and media persons.
- (vi) Jayna Kothari participated in 'The Sports Law & Policy Symposium 2020' on 27<sup>th</sup> June, 2020. In this event, she spoke on Gender Equality in Sports.

- (vii) Jayna Kothari participated in the University of Oxford India Society's panel discussion on "LGBTQ+ Rights in India – 'Next Steps in Legal Reforms: An Equality Law?'" on 31<sup>st</sup> October, 2020.
- (viii) CLPR set up a "*Social Justice Cafe*" at Church Street on 21<sup>st</sup> February 2021 to create awareness and engagement on issues of equality, discrimination, and transgender rights. It also included a conversation on the *need for a law on Equality and Non-discrimination in India* at 4:30 P.M
- (ix) CLPR in collaboration with Equal Rights Trust organised an "Expert Consultation on the Need for an Equality Law in India & Strategies for Legal Advocacy" on 29<sup>th</sup> March, 2021.
- (x) CLPR organised a panel discussion on its Policy Brief on [Disability, Caste and Intersectionality](#) on 20<sup>th</sup> August, 2020.

## 6. Publications

- (i) "*The Intersection of Disability and Caste*", 2020: CLPR published this policy brief in July 2020. This paper explores the relationship between disability and caste with a view towards addressing the particular forms of discrimination faced by those who live at its intersection. Through an approach rooted in intersectionality, the panel addresses the barriers in the fulfilment of rights in access to justice, employment, education housing & health as well as the aggravated forms of discrimination unaccounted for in law.
- (ii) "*Equality Bill 2021: Takes a New Step in Addressing Discrimination, Recognising Intersectionality & Promoting Equality*", 2021: In January 2021, CLPR published a revised version of the Equality Bill, drafted in 2019. The revised document incorporated the suggestions from academics, legal scholars and civil society organisations like NCDHR (National Campaign for Dalit Human Rights).
- (iii) Jayna Kothari, 'Why India needs an Equality Law', Deccan Herald, June 3, 2020
- (iv) Jayna Kothari, 'At the Intersections of Caste and Gender', The Thinking Republic, October 8, 2020
- (v) Thulasi K Raj, 'Private discrimination, public service and the constitution', Indian Law Review, April 16, 2020
- (vi) Jayna Kothari, 'Why we can't have laws curtailing the right to marry', Deccan Herald, November 30, 2020
- (vii) Jayna Kothari, 'UP anti-conversion law amounts to discrimination and a violation of the right to equality', Indian Express, December 18, 2020

## VI. GENDER AND SEXUALITY

In the year 2020-21, CLPR did not have any project or funding specifically for any of its gender-based activities such as reproductive rights or violence against women. We however continued to take part in events around gender equality and the law and writing around these themes. During this time, considering CLPR's past experience on child marriage law, Jayna Kothari was invited to be part of a Task Force on Age of Marriage set up with the Government, and headed by Jaya Jaitley. This Task Force has submitted a report to the government.

### 1. Events:

- (i) Jayna Kothari gave the Keynote Address for Centre on Law and Social Transformation on 19<sup>th</sup> August, 2020. The event was hosted by Law Transform, Bergen Global CMI/UiB and Global Research Programme on Inequality – GRIP. In her Keynote on “Gender (In) Equality and the Law”, Jayna Kothari presented critically on some of the recent constitutional developments on gender (in) equality in India.
- (ii) Vikramaditya Sahai participated in a webinar on “The Rhetoric of Legal Reforms: Abortion, Gender and the State” on 6<sup>th</sup> October, 2020. The webinar was organised by the Centre for Health Law, Ethics and Technology in collaboration with Behan Box. The panel featured Nidhi Goyal (Rising Flame), Nikita Sonavane (CPA Project) and Sunita (Haryana ASHA Workers Union).
- (iii) Jayna Kothari participated in BML Munjal University's panel discussion on “Understanding Gender-Based Legal Rights” on 8<sup>th</sup> March, 2021.
- (iv) Jayna Kothari took part in an interview with Barkha Dutt on Oct 19, 2020 along with Madhu Mehra and Mary E. John.

### 2. Publications

- (i) Jayna Kothari, ‘Should the age of marriage for women be raised to 21?’, The Hindu, September 4, 2020
- (ii) Jayna Kothari, ‘Is the Supreme Court Cherry picking its Gender Battles?’, Cambridge University Press, June 8, 2021
- (iii) Jayna Kothari, ‘Priya Ramani verdict has expanded the law on sexual harassment’, Indian Express, February 24, 2021

## VII. DISABILITY RIGHTS

Disability work in 2020-201 has mainly been disability rights litigation. Some of the litigation filed during this period includes:

### 1. Litigation

- (i) KRVRS v. Union of India: This is a Public Interest Litigation challenging the amendment notification dated 30.9.2019 which has made amendments to the GST Act, and the order dated 24.10.2019 imposing guidelines for the issue of GST concession certificate of purchase of vehicles by the persons with Orthopaedic Physical Disability. It not only restricts only persons with orthopaedic disability to avail of this concession, but it also restricts this only to small cars and not larger models. It requires an application to be made to seek permission and also does not allow the purchase of a second car if a previous purchase has been made. Hence this would mean that the concession is available only to persons with physical orthopaedic disability and not any other disability. The petition prayed for quashing the amendment notification. This petition is currently pending before the High Court and interim relief has not been granted.
- (ii) Karnataka Federation of the Blind v. State of Karnataka: CLPR filed a case challenging the validity of the Circular issued on 18.05.2020 which mandated 100% attendance of every Government Employee, even though persons with disabilities were exempted through an earlier Government of India Office Memorandum. Despite these notifications in place, the State Government of Karnataka issued this Circular which stated that the COVID-19 Lockdown was lifted by the Government of India. The Court acknowledged that the fear of COVID-19 and social distancing norms makes it difficult for blind persons and other PWDs to get physical assistance from others. They also agreed that the State Government was bound to follow the Office Memorandums issued by the Central government. The High Court directed the State government to reconsider their Circular issued on 18-05-2020 with respect to blind persons.
- (iii) National Federation of the Blind v. Karnataka Public Service Commission: CLPR challenged the notification put out by the Karnataka Public Service Commission (KPSC) calling for applications from candidates for a preliminary examination for the appointment of Gazetted Probationers. KPSC issued a Press Release directing all blind and low vision applicants to undergo a medical test prior to the exam, bring their own scribe for the preliminary exam etc. CLPR challenged the process, arguing that the procedure followed by KPSC for conducting written examination for persons with benchmark disability was discriminatory and disadvantageous to the visually impaired candidates. As a result of this petition, KPSC withdrew the earlier discriminatory Government order, and put out new orders allowing

compensatory time for candidates with Benchmark Disabilities. They waived the pre-requirement of medical test for visually impaired candidates and asked those candidates unable to find a scribe to contact KPSC.

- (iv) *The Managing Director KSRTC & Anr. v. Sri. Ganapathi M Naika*: CLPR represented Mr. Ganapathi M Naika, who was appointed by KSRTC as a driver-cum-conductor. While on duty, he met with an accident where he sustained injuries because of which he was disabled with 55% locomotor disability. Respondents demoted him and refused to give him the rightful promotion despite him having obtained an order from the Disability Commissioner in his favour. Rather, they filed the present petition challenging the Order of the Commissioner. Through an order dated 16.07.2021, the High Court of Karnataka directed the KSRTC to promote Mr. Ganapathi Naika to the post of Junior Assistant-cum-Data Entry Operator within four months from the date of receipt of medical certificate.

## **2. Publications**

- (i) Jayna Kothari, 'Jayna Kothari on Vikas Kumar', Oxford Human Rights Hub PODCAST, March 23, 2021

## VIII. TEAM UPDATES

In 2020-21, the CLPR leadership team comprised Executive Director Jayna Kothari and Managing Trustee Sudhir Krishnaswamy.

During this period CLPR Associates included Kruthika R, Vineeth Krishna, Rithambara Singh, Jai Brunner, Madhavi Gopalakrishnan, Mansi Singh, Vikramaditya Sahai, Kalyani Menon, Meenakshi Ramakumar and Sheerene Mohamed.

C Prabu, Thulasi K Raj, Shahrenaz Begum and Priyanka S Bhat worked as CLPR's Equality Fellows.

Jeevan Somaiah was CLPR's finance officer and Rathna Rai was the administrative officer.

In 2020, Sudhir Krishnaswamy was appointed as a member of Facebook's Oversight Board.

In August 2020, Deekshita Ganesan was awarded the Hauser Global Scholarship to pursue an LLM at the NYU Law School.