

JALPAIGURI STUDENTS HUMAN RIGHTS MEETING

DATE: 08.09.2021

Time: 11 AM to 2 PM

VENUE: BANDHOB NATYA SAMAJ, JALPAIGURI

Reported by: Esha Acharya

Edited by: Venkatesh Kodukula



Use of Law for Safeguarding Rights of Sexual Minorities & Discussion on Right to Food and Education

SCHEDULE FOR MEETING

<i>Time</i>	<i>Session</i>	<i>Speaker</i>
11-11:30	Introductory Speech	<ul style="list-style-type: none"> • Tanbir Alam, Advocate, HRLN • Manika Barman
11:30-12	Transgender Persons Act, 2019 and Rules 2000	Mobina Ali, Advocate HRLN Kolkata
12-12:10	Violation of Right to Education during Pandemic	Dr. Abhijit Bhattacharya Principal, Jalpaiguri Government Law College
12:10-12:20	Sexual offences at Educational Institution	Students' Participation
12:20-12:45	Women's Justice & Sexual Harassment at Workplace & Discussion on POCSO	Esha Acharya Advocate, HRLN Jalpaiguri
12:45-1:00	Interactive Session	Advocates of HRLN
1-1:30	Right to Food	Soumitra Chakroborty, HRLN Kolkata
1:30-1:45	Plan of Action	Advocates of HRLN
1:45-2	Vote of Thanks	

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INTRODUCTION

Sexual minorities are groups of people whose sexual orientation, gender identity, or sexual characteristics are different from the presumed majority of the population, which are heterosexual, cisgender, and non-intersex individuals. The most common use of the term sexual minority is to refer to people whose sexual orientation is not heterosexual. This includes gay men (men/man-aligned people who are only attracted to people of the same/similar gender), lesbians (women-aligned people who are solely attracted to people of similar genders), and bisexuals (people of any gender attracted to people of all genders), and questioning people. Many people identify as queer rather than gay or bisexual. Sexual minorities also include transgender individuals—people who identify as a different gender than the one associated with the sex they were assigned at birth. Transgender people socially transition by changing their names, their pronouns, and their gender expression. Some trans people also medically transition by taking hormones and/or undergoing gender affirmation surgeries. Some Trans people identify as no binary.

Right to Food is a Fundamental right, the Commission has taken the view that the Right to Food is inherent to a life with dignity, and Article 21 of the Constitution of India which guarantees a fundamental right to life and personal liberty should be read with Articles 39(a) and 47 to understand the nature of the obligations of the State in order to ensure the effective realization of this right.

Article 39(a) of the Constitution, enunciated as one of the Directive Principles, fundamental in the governance of the country, requires the State to direct its policies towards securing that all its citizens have the right to an adequate means of livelihood, while Article 47 spells out the duty of the State to raise the level of nutrition and standard of living of its people as a primary responsibility. The Constitution thus makes the Right to Food a guaranteed Fundamental Right which is enforceable by virtue of the constitutional remedy provided under Article 32 of the Constitution.

The Right to Education act 2009, also known as the RTE Act,2009, was enacted by the Parliament of India on 4th August,2009. It describes the modalities of the importance of free and compulsory education for children aged between 6-14 years in India under Article 21(A) of the Constitution of the India. It prescribes minimum norms for elementary schools, prohibits unrecognized schools from practice and advocates against donation fees, and interview of children at the time of admission.

SPEAKERS SESSION

Advocate Tanbir alam started the meeting with a brief introduction of HRLN, the backdrop of the organization and functioning of the organization. Where Soumitra Chakroborty, Advocate from HRLN Kolkata continued the discussion along with briefing of previous work done by HRLN around the nation. And Monika Barman, Advocate HRLN Siliguri continued the discussion.

Speaker 1: Mobina Ali, Advocate, HRLN Kolkata

The speaker started her speech in an interactive manner where she asked the question “What is sex and what is gender?” and she let the audience participate into that. Eventually she elaborated the same and discussed on the Transgender Protection Act 2019. She mentioned that according to Article 21 of the constitution, "No person shall be deprived of their life and personal liberty except according to a procedure established by law". She mentioned that according to the act no transgender person should be discriminated, denied or receive any unfair treatment in regard to education, employment, healthcare, etc. Transgender person has the right to access public spaces, right to reside/rent/occupy property. The speaker further highlighted on the welfare measures by the government which states that it will take measures to ensure the inclusion and participation of transgender individuals in the society and how government should take steps for the rescue and rehabilitation, vocational training and self employment for the well being of the transgender. She further mentioned the difference between Hijra and Transgender person as people often use them as synonymous terms.

Speaker 2 : Dr. Abhijit Bhattacharjee, Principal, Jalpaiguri Government Law College

The speaker discussed the violation of Right to Education in India and globally due to the outbreak of Covid 19. The speaker further stated that the Right to Education Act, 2009 might provide guideline for free education to children aged 6-14 but there is a clause which provides the discretion of a State to provide free education at graduation level if that permits the budget of the state. The speaker highlighted the fact that the school dropout rate has drastically increased due to the closure of school throughout the year. He then discussed about the difficulties faced by the Teachers while teaching virtually. But he was hopeful that the institutions would open soon and regularized education would be provided to the students.

Speaker 3 : Soumili Chatterjee, Shreyasi Roy and Rishita Chakrabarty, Students of Jalpaiguri Government Law College

The Speakers collectively discussed about sexual harassment in educational institution. They spoke about the need of more strict laws to deal with such issues. They further highlighted about sexual offences against the vulnerable class ie; the children and the need to make them aware about good touch and bad touch.

Speaker 4 : Esha Acharya, Advocate HRLN Jalpaiguri

The speaker started her speech highlighting the Vishakha Judgement, which came in the year 1997 and made certain guidelines to be followed in the Higher educational academies and in the workplace. She further added that the definition of sexual harassment includes :

- Physical contact and advances
- A demand or request for sexual favour
- Sexually coloured remarks
- Showing pornography
- Anyother unwelcome physical, verbal or non-verbal conduct of sexual nature.

She further stated that though there waere set principles of law but the implementation was not adequate hence in the year 2013 Sexual Harrassment of Women at Workplace (Prevention, Prohibition and Redressal) Act,2013 came into force. Which is more précised in nature and talks about the redressal unit at every workplace through constitution of Internal Complaints Committees in case of a company having more than 10 employees and in every district there should be a Local Complaint Committee.

The speaker then spoke about Protection of Children from Sexual Offences Act, 2012, where she mentioned that this Act is more stringent in nature and is gender neutral where rape law under Indian Penal Code is only women centric. She further added that the law defines a person as child following the Juvenile Justice act, which makes it 18years or bellow that. She spoke about the atrocities which would fall under the Act and the punishments as described in the POCSO Act,2012

Speaker 5 : Soumitra Chakroborty, Advocate, HRLN Kolkata

The Speaker discussed about Right to food which is a Fundamental Right. She further talks about the Constitution of India which guarantees right to life under Article 21 and life means a dignified livelihood, then includes Article 47 which deals with the duty of the State of raise the level of nutrition and standard of living of its people as a primary responsibility. Then she highlights the Act of 2013, National Food Security Act, 2013, which ensures that access to food is not any longer the welfare of a State rather that is the right of an individual

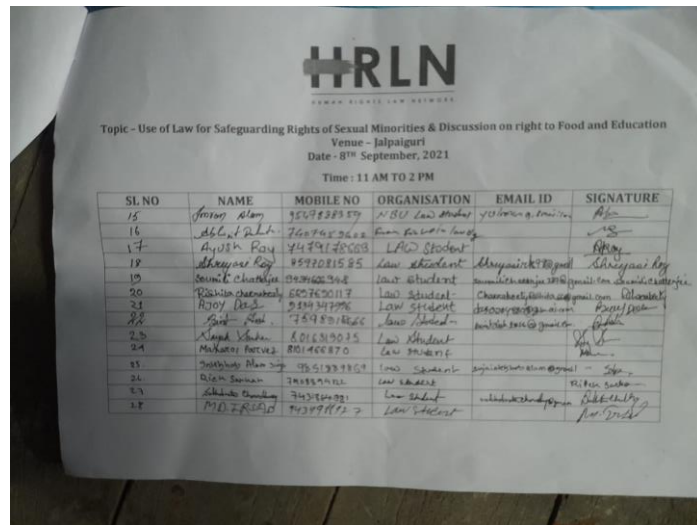
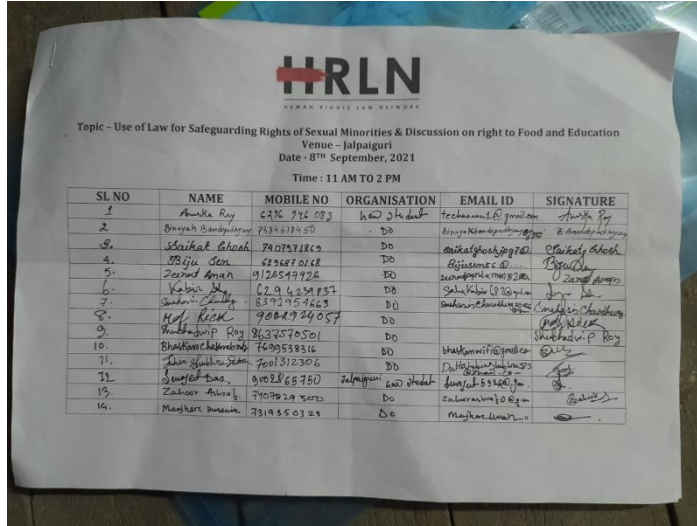
INTERACTIVE SESSION

An interactive session was held with the students and faculty present in the meeting. In this interactive session, the participants raised various questions which were answered by the advocates of HRLN.

RECOMMENDATIONS & ACTION PLAN

Pertaining to the discussions that arose in the interactive session, it is recommended that more sensitization workshops should be organized with a focus to the Transgender rights and Rights of Women ion the Workplace. The students has shown a keen interest to intern with HRLN and to understand about the various human rights violations in the grass root level.

Annexure A



HRLN

HUMAN RIGHTS LAW NETWORK

Topic - Use of Law for Safeguarding Rights of Sexual Minorities & Discussion on right to Food and Education
 Venue - Jalpaiguri
 Date - 8TH September, 2021

Time : 11 AM TO 2 PM

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Annexure B







