



JRTC
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A Student Helpdesk

JRTC INTERN

is organizing

NATIONAL LAW CONCLAVE

On

SESSION I

“The Chief Justice’s Court - Beyond the Judgments”

Discussing the life of a Chief Justice of a Court

SESSION II

“Gender Neutrality” – When? Why? How?

Discussing the way forward to a gender-neutral world

Date : Saturday, January 11, 2020

Time : 09:00 AM – 04:00 PM

Venue: Hall No. 6, Vigyan Bhawan, New Delhi

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ABOUT THE ORGANIZATION

JRTC Intern is a subsidiary of JRTC Consultancy, which is incorporated as a Private Limited Company and is recognized by the Department of Industrial Policy and Promotions, Ministry of Commerce & Industry, Government of India. JRTC aims to create a single platform wherein the students as well as the firms can have a single source of information and both the parties will not have to worry about legal internships, since it is an established fact that how much stress a law aspirant has to bear when it comes to finding a good internship. JRTC intends to create a win-win scenario for both the students as well as firms by its initiative through GENERAL LAW INTERNSHIPS TEST (GLIT). We believe in providing a transparent and stable platform in the legal sphere. We focus on all round development of law students, building future lawyers and taking their career to next level. In lieu of the same, we endeavor to provide an opportunity for the law students to showcase their skills on national level and outshine others.

VISION AND MISSION

To transform legal education and to develop future lawyers and a transparent platform for providing internships to the law aspirants of the nation.

This initiative is supported and acknowledged by many luminaries of the country including Hon'ble Shree Pranab Mukherjee, Former President of India, Hon'ble Dr. Justice K.G. Balakrishnan, Former Chief Justice of India, Hon'ble Mr. Justice Dipak Misra, Former Chief Justice of India, Hon'ble Mr. Justice Kurian Joshep, Former Judge, Supreme Court of India, Hon'ble Mr. Justice A.K. Sikri, Former Judge Supreme Court of India, Shree Soli J. Sorabjee Former Attorney General of India, Shree Shanti Bhushan Former Minister of Law & Justice, Government of India, Mr. Salman Khurshid Senior Advocate, Supreme Court of India Former Minister of Law & Justice and External Affairs, Government of India, Mr. Kapil Sibal Senior Advocate, Supreme Court of India Former Minister of Human Recourses Development, Government of India, Mr. Satyapal Jain, Additional Solicitor General of India, Mr. Sanjay Jain Additional Solicitor General of India, Mr. Adish C Aggarwalla Senior Advocate, Supreme Court of India, President, International Council of Jurists, Ms. Geeta Luthra Senior Advocate, Supreme Court of India, Mr. Vivek Narayan Sharma, Jt. Sec., Supreme Court Advocates on record Association, Mr. Sanjay Agarwal Senior Standing Counsel, Government of India and various retired judges and professionals of the law industry.

ABOUT SESSION I

THE CHIEF JUSTICE'S COURT – BEYOND THE JUDGMENTS

Discussing the Life of a Chief Justice of a court

The modern State consists of three organs, namely the Legislature, the Executive and the Judiciary. Many people in their early age hardly make a correct answer while defining the job of the Judiciary, which is not making laws but interpreting the laws. Individuals participating in Judiciary are required to be highly qualified. These, in large, consists of Judges and Advocates. In the absence of either one, there cannot be a judicial setup at all.

Judiciary is the only constitutional hope that a person can look to for help when his/her human rights are jeopardized. It is needless to say that for realization of human rights, vibrant democratic machinery with rule of law is essential. That is possible only when judiciary and legal profession shines with its integrity and gains efficiency besides being independent and immune from ordinary influences such as inducement and bribery. The independence and impartiality of the judiciary is one of the hallmarks of the democratic system of the government. Only an impartial and independent judiciary can protect the rights of the individual and can provide equal justice without fear and favour.

In a country like India, Judge is a highly esteemed stature. In fact, the citizens of a country see them as an epitome of highest good bestowed to the mankind, assuming that they can do no wrong or something 'illegal'. Common individual hardly knows about the operation of the Judiciary. Every actor in Judiciary is required to be qualified with a degree of law, LL.B., whereby they can either litigate or pass the test and qualify as a Judge.

Judge is the highest and the most respected position in the legal/ judicial system of India. Judges are impartial decision-makers in the pursuit of justice, and they rule on questions of law, act as a referee between the litigating parties and render decisions in legal disputes.

As the father of Sociology, Auguste Comte, has said, Man is a Social animal. The life of a chief justice is difficult to imagine. It is far from any ordinary life, not because of its powers but for its solitariness from the society. In order to serve impartial justice and avoid any stain of biasedness on their position as a judge, they have to keep themselves aloof from involving in many social activities. It becomes very hard for a judge to be acquainted acquire these things. Specially, the chief justice always remains in light for holding certain powers and for a chief

justice it becomes more important to have a lesser social involvement. It becomes one of the major challenges of the social life. These social dilemmas involve all the media coverage and political pressures.

It is noticed that once an individual becomes a Judge they tend to refrain from mixing with the surroundings. Hardly do we see a Judge interacting with the people under the jurisdiction of its court. In fact, the Indian Judiciary has so many disputes pending to decide that hardly can these judges think about any interaction with the people. Among all the responsibilities, the allocation of cases becomes the major hectic task.

Through this seminar, key issues with the Chief Justice's court shall be discussed and the attendees shall get an insight into the unauthored life of a Chief Justice.

OBJECTIVE OF SESSION I

This is the first of its kind session in a conference wherein the former Chief Justices of India and different High Courts will preside over a panel discussing various aspects of a on the life of a Chief Justice of a Court and the positives and negatives he takes with him. This topic also discusses upon the various dilemmas the Judge has to face while delivering a judgment and specially when it is bound to get controversial. This topic also touches upon the untouched and unknown side of administrative powers of a Chief Justice of a Court, the problem he faces, etc.

ABOUT SESSION II

GENDER NUETRALITY - When? Why? How?

Discussing a way towards a Gender-Neutral World

Since time immemorial, the society has distinguished between different genders, assigning them specific roles. People are expected to behave in the same manner as the prejudicial notions have prescribed. Since childhood, even the toys are given to the children in a gender specific manner. Gender neutrality also known as gender-neutralism, is the idea that policies, language, and other social institutions should avoid distinguishing roles according to people's sex or gender, in order to avoid discrimination arising from the impression that there are social roles for which one gender is more suited than another. The theory of gender neutrality is a theory that claims that biological sex does not inevitably determine social, psychological, and

intellectual characteristics. This is believed to help in avoiding discrimination based on gendered conceptions of every phenomenon.

The concept of gender neutrality in the legal aspect refers to the idea of equality in the recognition of the rights of all individuals irrespective of their sexes. The Constitution, which is the supreme law of the land, has prescribed equality of all its citizens. However, to bring about Gender Neutrality as a reality, the following ideas need execution:

Implementing Gender Neutral Laws:

To achieve Gender Neutrality, first and foremost, the law should be made gender neutral as it is an essential means of social change. Gender-neutral laws in the present times would be a pioneering achievement for our society.

A bill to make sexual crime laws gender-neutral was presented again in the Parliament on July 2019, after its previous appearance in 2013. Individuals belonging to any gender category can be the victims of sexual abuse and can also be its perpetrators. On these grounds, “the statute proposes amendments in the Indian Penal Code (IPC), the Criminal Procedure Code and the Indian Evidence Act to ensure that the words 'any man' and 'any woman' in the sections relating to sexual offences in the laws are changed to read as 'any person'." This would extend the protection of the law to not only women, but also men, transgender persons, and individuals belonging to any other gender category.

This creates a barrier towards the path to gender equality and justice in this world. Although it is evident from huge amounts of data that almost all women have been sexually assaulted at least once in their lives, we cannot deny the fact that men are sexually assaulted, though mostly by men but also by women. Besides, in the quest towards gender equality, transgender and individuals belonging to other gender categories are marginalized. IPC Section 375, which prevails in the present times, has no recognition of the LGBTQA+ community in their statutes.

However, it should also be acknowledged that the role of gender hierarchy continues to play an important part in every aspect of our daily lives and also in the decision making at the level of power structures. It must be kept in mind that gender-neutral laws can exist to the degree to which a gender-neutral world exists.

The role of media also comes into play within the gendered arena. It is important to focus on how sexual assaults of women are extravagantly covered by the media, while the different types of sexual harassment that the transgender community have to endure daily normally goes unnoticed in mainstream media.

This form of gendered response can also be seen in the Transgender Persons (Protection of Rights) Bill recently passed on 5 August 2019, with almost no debate. Even though it provides individuals with the freedom to choose their gender, yet it enforces them to undergo sex reassignment surgery to avail the government certificate, which will certify their identification with the chosen gender.

This is a major reinforcement of the heteronormative culture that has been prevalent in our society since time immemorial. This bill also upholds the system of the binary category of sex and gender, which is important for individuals to adhere to, to avoid social stigma and avail the help of the legal justice system. Besides, the bill also postulates that if transgender people are sexually attacked, their attackers face a maximum jail term of two years, against a minimum of seven years for women who are attacked. Consequently, this bill has been termed regressive by transgender representatives and activists, and they have also termed the day it was approved by the Lok Sabha as “Gender Justice Murder Day”

After this, the question arises: if society is steeped in gendered norms and stereotypes, which inform the laws of the Judicial System, then how can gender-neutral laws help the situation?

Gender-neutral laws can only be effective when the conception of binary categories of sex and gender ceases to exist. The fact that the LGBTQA+ community is termed as the 'other' is proof of the rampant gendered structure and power play that continues to prevail in society.

The #metoo Movement is an exemplary instance which raised a lot of debate around sexual harassment and gender equality. It created a ruckus and became a subject of debate and discussions, memes and trolls. In this movement, a lot of women came forward and related instances of sexual harassment and assault that they had faced in the past but did not voice it then due to various circumstances. However, this has created a lot of problems for the women who came forward as they were attacked and accused of voicing fake allegations against men. This also transpired into another movement, i.e. #mentoo and #hetoo, where men voiced their concerns about how all the sexual assault laws were in favour of women. In all this debate, the

term 'me' became gendered, and #metoo has been thought to be restricted only to women specifically.

Society is not only steeped in gendered stereotypes and hierarchy, but each category of gender has its own forms of hierarchy and power play that results in the marginalization and isolation of some groups of individuals. Thus, the demand for gender-neutral laws is in an immense need to be preceded by gender-neutral ways of life and society in the first place. .

We must choose words judiciously. Work situations often call for terms like businessmen, man-hours, man to man, chairman, and man power. We can replace these with business people, work-hours, face to face, chair or chairperson, and personnel or labour. A minor change in language can help chip away at long-standing gender inequities. Using a gender-neutral pronoun, it found, reduces mental biases that favor men, and boosts positive feelings towards women and LGBT people. A gender-inclusive language could reduce gender-biases and contribute to the promotion of gender and LGBT equality and tolerance. When we use language that actively includes women and LGBT people, it makes a real difference in reducing gender stereotyping. Using gender-neutral language is a positive step towards creating a world where everyone is accepted without exception.

Through this Seminar, one will be able to expand the horizon of positive thinking and going back will carry the idea of a better world which shall be free of any gender discrimination.

OBJECTIVE OF SESSION II

The second session is a panel discussion which will touch the widely discussed issue of gender justice, the latest rulings by the courts, amendments in the law and how is it shaping today's scenario. This discussion also tries to answer following question:

1. Is this the right time for society to discuss on the need of gender-neutral laws?
2. Why do we need gender-neutral laws?
3. How are we going to act on it?
4. Are current laws are sufficient to end the illicit mindset of the people and is the legal and administrative system doing enough to end the inequalities between men, women and transgender?

DISTINGUISHED SPEAKERS FOR SESSION I

Hon'ble Mr. Justice Dipak Misra, Former Chief Justice of India

Hon'ble Mr. Justice A.K. Sikri, Former Judge, Supreme Court of India

Hon'ble Mr. Justice A.P Shah, Former CJ, High Court of Delhi

Mr. Vivek Narayan Sharma, Jt. Sec., Supreme Court AOR Association

DISTINGUISHED SPEAKERS FOR SESSION II

Ms. Pinky Anand, Additional Solicitor General of India (Moderator)

Ms. Geeta Luthra, Sr. Adv. High Court of Delhi

Ms. Jayna Kothari, Senior Advocate & Executive Director, CLPR

Mr. Vivek Narayan Sharma, Former Jt. Sec., Supreme Court AoR Association

Mr. Jayant Bhatt, Senior Panel Counsel, Government of India

Ms. Deepika Narayan Bhardwaj, Independent Journalist & Human Rights Activist

Mr. Sarvjeet Singh Bedi, Graphic Designer, Male Right Activist

DETAILS FOR REGISTRATION

Registration Fee:

For Students

Rs. 1,000/-

For Professionals

Rs. 1,500/-

Registration Link: <https://jrtcintern.com/nlc/registration/>

The registration fee covers registration, seminar kit, lunch, high tea, a participation certificate, **50% discount on BASIC GLIT to get internship opportunities from JRTC Intern and 25% off vouchers for publication in International Journal of Law Management & Humanities [ISSN 2581-5369] Indexed journal with impact factor of 2.008.**



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