

IN THE HIGH COURT OF DELHI AT NEW DELHI
(Criminal Writ Jurisdiction)

WRIT PETITION (CRIMINAL) NO. _____ OF 2018

In the matter of:

Anamika

... Petitioner

Versus

1. **Union of India**
through the Secretary,
Ministry of Home Affairs,
North Block, New Delhi – 110 001
2. **The Govt. of NCT of Delhi**
New Delhi – 110 001
3. **The Station House Officer**
P.S. Rajouri Garden
New Delhi – 110 027

... Respondents

CRIMINAL WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 CR.P.C. FOR AN APPROPRIATE WRIT, ORDER OR DIRECTION DECLARING THAT CLAUSES (I), (II) AND (IV) OF SUB-SECTION (1) OF SECTION 354A OF THE IPC, TO THE EXTENT THAT THEY ARE BEING INTERPRETED BY THE RESPONDENTS TO EXCLUDE VICTIMS OF SEXUAL HARASSMENT WHO ARE TRANSGENDER PERSONS, ARE *ULTRA VIRES* ARTICLES 14, 15 AND 21 OF THE CONSTITUTION OF INDIA

To,

The Hon'ble Chief Justice
and his Companion Justices
of this Hon'ble Court

The humble petition of
the Petitioner abovenamed

Most respectfully showeth:

1. That the Petitioner is a transgender person, who identifies as a woman, though she was assigned 'male' sex at birth. The Petitioner will be referred to in the female pronouns of 'she/her/hers' in the present petition. The Petitioner is a student of Delhi University and was sexually harassed by male students on campus in 2017-2018.

Though the incidents suffered by the Petitioner answer the description of offences under Section 354A of the Indian Penal Code, 1860 (hereinafter “IPC”), the Police refused to register an FIR ostensibly because the Petitioner is not a “woman” for the purposes of the IPC. The present Petition seeks to challenge Section 354A of IPC ‘Sexual Harassment and Punishment for Sexual Harassment’, to the extent that it has been wrongly interpreted to deny protection to a complainant who does not conform to the stereotypical and binary notion of “woman”, based on sex assigned at birth, resulting in violation of fundamental rights under Articles 14, 15 and 21 of the Constitution of India, and being contrary to the decision of the Hon’ble Supreme Court in *National Legal Services Authority v. Union of India* [(2014) 5 SCC 438] (hereinafter ‘*NALSA*’).

2. The Petitioner is an adult person of 21 years and is a citizen of India. The Petitioner was born on 20.10.1997 in Delhi to _____ (mother) and _____ (father). The Petitioner is a student of _____, Delhi University and has completed her first year of B.A. Programme. A copy of the Petitioner’s student identity card for 2017-2018 for _____ is annexed hereto and marked as **ANNEXURE-P/1**. The Petitioner is passionate about working for the upliftment of marginalized communities, especially members of the transgender community and serves as a ‘Para Legal Volunteer’ (hereinafter “PLV”) for the Delhi State Legal Services Authority (hereinafter “DSLISA”). A copy of the PLV Card issued to the Petitioner by the

DSLISA on 01.03.2018 is annexed and marked hereto as **ANNEXURE-P/2**. A copy of the Certificate dated 20.07.2018 issued by the Secretary, North West District Legal Services Authority, DSLISA acknowledging the Petitioner's involvement as a transgender PLV is annexed and marked hereto as **ANNEXURE-P/3**. Petitioner has also been working for a Non-Governmental Organization (hereinafter "NGO") named "Aarohan" since past three years. A copy of a letter dated 20.07.2018 by Aarohan acknowledging Petitioner's work is annexed hereto and marked as **ANNEXURE-P/4**.

3. The Respondent No.1 is the Union of India through the Ministry of Home Affairs, which is responsible for all matters related to the legislative aspects of the IPC. The Respondent No.2 is the Govt. of NCT, Delhi and is sued since the incident took place in Delhi. The Respondent No.3 is the Station House Officer, Rajouri Garden Police Station, New Delhi, who refused to register the Petitioner's complaint under Section 354A of IPC.

FACTS LEADING UP TO THE CASE:

4. The Petitioner was born on 20th October 1997, in Delhi and was assigned 'male' sex at birth.
5. As a child, the Petitioner felt as if she had to trap her feelings and felt constantly suppressed. She enjoyed being like a girl - wearing frocks, dresses and hair accessories, painting her nails and doing dance and dramatics. She imagined that she would grow up to be a woman and get married to a man - who would be her husband. However, her

family warned her of the social stigma and physical violence that she may face if she continued such behaviour.

6. Over the years, the Petitioner became more expressive about her gender identity and realized that she was not comfortable with her body which was that of a 'male'. The thought of living like a boy or a man made her very depressed and she decided that one day she would undergo sex reassignment surgery (hereinafter "SRS") and change her gender to female. A copy of medical record of All India Institute of Medical Sciences, New Delhi in relation to the Petitioner's gender incongruence is annexed herewith and marked as **ANNEXURE-P/5**. Her family however, was not supportive, and she faced immense emotional pressure and physical violence.
7. When the judgment in *NALSA* was pronounced on April 15, 2014, the Petitioner was a minor and still studying in school. The *NALSA* judgment categorically stated that a person has the fundamental right to decide their self-identified gender as male, female or third gender and that any insistence on SRS for declaring one's gender is immoral and illegal. The Petitioner was unaware about any procedure for changing her gender in any identity document. She also did not possess the knowledge or the means to get her gender identity changed in her school and/or CBSE certificates.
8. In 2017, the Petitioner gained admission in _____, Delhi University (College) for B.A. Programme course, on the basis of

educational certificates issued by the C.B.S.E. The said documents record her gender identity as 'male'.

9. In the first semester (July to December 2017) at _____, the Petitioner was a constant victim of bullying, public humiliation and harassment. In particular, male students made obscene comments and passed lewd remarks pointing out to the Petitioner's effeminate appearance and expression.
10. In August 2017, within the first ten days of the college semester, a group of male classmates used obscene words and made sexually coloured remarks targeting the Petitioner's gender identity. The male students sexually harassed the Petitioner through unwelcome sexual overtures.
11. Even after complaining to the college authorities, the Petitioner was continuously harassed in public spaces, including the bus stop and classroom. The male students made unwelcome sexual advances towards the Petitioner by referring to her as "*Halwa*" and "*Meetha*." Words like "*halwa*", "*meetha*", "*gur*" and "*rasgulla*" have overt and covert sexual connotations in that they imply that the person who is called such names is 'soft' and 'sweet to taste'. The sexual undertone in these slurs was that the Petitioner, being effeminate in appearance and expression, was 'delicious' and meant to be 'consumed'. These slurs are commonly used to sexually harass transgender persons, especially trans-women.

12. Male classmates and students continued to make sexually coloured remarks at the Petitioner on account of her gender identity, expression and mannerisms over the following months.
13. In April 2018, the Petitioner was sexually harassed in her classroom in the presence of several students. A male student clutched the Petitioner's hand and refused to let go, despite the Petitioner expressing her resentment. The Petitioner was asked if she had ever been to the "*Red Light District for halwa.*" These words suggest that as a transgender woman, the Petitioner is promiscuous and accustomed to providing sexual favours for a consideration.
14. The acts of sexual harassment committed by a few male students which were left unaddressed by the concerned authorities, prompted other students in the class to also make sexual overtures towards the Petitioner.
15. These persistent acts of sexual harassment continued throughout the second semester (January to May 2018) and have caused the Petitioner extreme mental and emotional stress.
16. On 23.04.2018, the Petitioner complained of these acts of harassment to the Disciplinary Committee of _____. A copy of the complaint filed by the Petitioner to the College Disciplinary Committee is annexed hereto and marked as **ANNEXURE-P/6**.

17. On 24.04.2018, the Disciplinary Committee summoned the Petitioner to hear her complaint. The Petitioner was assured that strict action would be taken against the male students who harassed her, but no action has been taken to the Petitioner's knowledge. The Petitioner is unaware of the status of her complaint.
18. As a result of the sexual harassment faced in her class, the Petitioner was severely disturbed and distressed. She could not study and was unable to appear for two of her papers in the final examination for the second semester (January-April 2018). A copy of the Petitioner's examination result of May 2018 is annexed hereto and marked as **ANNEXURE-P/7**.
19. Petitioner was disappointed with the response of college disciplinary committee to her complaint. Petitioner felt that suffering in silence was not an option. More so, when she has trained as a PLV with the DLSA and is aware of her legal and constitutional rights.
20. Petitioner realized that the conduct of certain male students of her class constituted sexual harassment as defined under Section 354A of the IPC. Petitioner was also aware that transgender persons like her are entitled to equal protection of the law(s), as declared by the Hon'ble Supreme Court in *NALSA*.
21. Petitioner realized that she was subjected to sexual harassment by male students on account of her effeminate appearance and expression, which is innate to her and her personality. Petitioner also

felt concerned for other gender non-conforming and/or transgender students on campus, who, like her, may be sexually harassed in public institutions on the basis of their gender identity and expression.

22. On 04.06.2018, Petitioner filed a written Complaint with the Rajouri Garden Police Station, which has territorial jurisdiction over _____, against the male student who had harassed her. The complaint highlighted that the male student made sexually coloured remarks and unwelcome overtures, , towards the Petitioner, based on her gender identity and expression. A copy of the police complaint is annexed hereto and marked as **ANNEXURE-P/8**.

23. At the first instance, Respondent No.3 was sympathetic and acknowledged that Petitioner had been a victim of sexual harassment. However, according to the Investigating Officer (hereinafter "I.O."), the relevant section under the IPC, i.e. Section 354A provides that acts of sexual harassment can be committed by a 'man' against a 'woman' only. The Officer doubted whether Petitioner could file a police complaint of sexual harassment under Section 354A of the IPC as she was a transgender person and not a 'woman'. When Petitioner tried to explain to Respondent No.3 that transgender persons are entitled to equal protection of laws under the Constitution of India, the I.O. retorted:- *"In the Police Station, it is the IPC that applies and not the Constitution."*

24. On 26.06.2018, Petitioner wrote letters to the Deputy Commissioner of Police and Assistant Commissioner of Police, West District, New Delhi, complaining that no action had been taken on her complaint, even after the passage of twenty days. A copy of the complaints written by the Petitioner to the Deputy Commissioner of Police and Assistant Commissioner of Police, West District, are annexed hereto and marked as **ANNEXURE-P/9 (COLLY)**.
25. Aggrieved by the lack of action taken in her case, the Petitioner sought precise information from the police officials in order on the status of her complaint.
26. On 04.07.2018, the Petitioner received the document titled RR79 on behalf of the Police officials at Rajouri Garden Police Station in response to her complaints LCP-113/SHO/RG dated 04.06.2018 and NCMTS-P-118/SHO/Rt dated 26.06.2018. A copy of the document titled RR79 dated 04.07.2018 is annexed hereto and marked as **ANNEXURE-P/10**.
27. The document titled RR79 obscures the allegations made by the Petitioner and makes light of the serious violations and sexual harassment suffered by the Petitioner. The document states that “*no criminal penal section attracts on above said complaint*” and that “*the complaint is civil in nature.*” The police officials have chosen to not apply criminal provisions relating to sexual harassment in this case, as the Petitioner is a transgender woman.

28. The Petitioner felt extremely helpless. As a PLV with DSLSA, the Petitioner informs ordinary people including those belonging to marginalized sections about their legal rights and encourages them to seek legal redressal. In her own case, however, the Petitioner was denied access to justice because she is a transgender person.
29. The Petitioner is painfully aware that she was sexually harassed *because* of her gender identity and expression, which is that of a transgender woman. The Petitioner is also aware that she was denied a legal remedy *because* of her gender identity and expression as a transgender woman. This, despite the fact that the Hon'ble Supreme Court of India in *NALSA* has unequivocally upheld transgender persons' rights to equality and equal protection under Articles 14 and 21 of the Constitution. The Apex Court has also held that the prohibition of discrimination on the grounds of 'sex' under Article 15 includes discrimination on the ground of gender identity and expression. The Petitioner is thus deeply aggrieved by the refusal of the Respondent No.3 to register a complaint of sexual harassment under Section 354A of the IPC on the basis that the impugned section only provides for a complainant who is a 'woman' – as per biological attributes and excludes persons like the Petitioner, who is transgender and has been subjected to sexual harassment on the basis of her gender identity and expression, which is feminine.

GROUND S

30. In view of the aforementioned facts, the Petitioner approaches this Hon'ble Court, for reliefs prayed for in the present petition on the following, amongst other, Grounds, which are without prejudice to each other:
- A. Because Article 14 of the Constitution of India guarantees to all persons 'equality before the law and equal protection of the law'.
 - B. Because in *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438 (hereinafter "*NALSA*"), the Hon'ble Supreme Court held that equality includes "*the full and equal enjoyment of all rights and freedoms*" and that "*transgender persons cannot be denied such protection*".
 - C. Because the Hon'ble Supreme Court in *Vishaka and ors. v. State of Rajasthan and Ors.* (1997) 6 SCC 241 has held that protection from sexual harassment and abuse is a facet of fundamental rights of persons.
 - D. Because the Petitioner was subjected to sexual harassment by male students on account of her feminine gender expression and gender identity.
 - E. Because a punitive remedy for sexual harassment is provided under Section 354A of the Indian Penal Code, 1860 (hereinafter "*IPC*") which reads: -

“Section 354A. Sexual harassment and punishment for sexual harassment..

- (1) *A man committing any of the following acts—*
- (i) *physical contact and advances involving unwelcome and explicit sexual overtures; or*
 - (ii) *a demand or request for sexual favours; or*
 - (iii) *showing pornography against the will of a woman; or*
 - (iv) *making sexually coloured remarks, shall be guilty of the offence of sexual harassment.*
- (2) *Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.*
- (3) *Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.”*

- F.** Because a bare reading of Section 354A of the IPC shows that the acts constituting sexual harassment can be taken cognizance of only when they are committed by a ‘man’. The aforesaid condition is fulfilled in the facts of the Petitioner’s case
- G.** Because unlike the gender of the perpetrator/accused which is explicitly identified, Section 354A of IPC does not specify the gender of the victim/complainant who suffers sexual harassment. Clauses (i),

(ii), and (iv) of sub-section (1) of Section 354A do not mention any gender in respect of the person against whom the unlawful acts are committed.

- H.** Because only clause (iii) of sub-section (1) of Section 354A of IPC explicitly mentions “*showing pornography against the will of a woman.*”
- I.** Because according to a plain reading of the provision, the acts constituting sexual harassment under clauses (i), (ii) and (iv) of sub-section(1) of Section 354A of IPC, which are disjointed, can be taken cognizance of when the victim is a transgender person.
- J.** Alternately, while clauses (i) to (iii) of sub-section (1) of Section 354A of IPC may be read conjointly in light of the penalty provided sub-section (2), clause (iv) of sub-section (1) is stand-alone as it attracts separate punishment under sub-section (3) of Section 354A. The acts suffered by the Petitioner meet the description of clause (iv) of sub-section (1) of Section 354A of IPC and ought to have been invoked against the perpetrators.
- K.** Because the lack of explicit mention of the victim/complainant’s gender in Section 354A(1) of IPC is deliberate on part of the Legislature and demonstrates its legislative intent, which is, to extend protection to victims of an unspecified gender. In contrast, the Sexual Harassment at Workplace (Prevention, Protection and Redressal) Act, 2013 explicitly mentions in Section 2(a) read with Section 3 of the

Act that only an 'aggrieved woman' can file a complaint of sexual harassment.

- L.** Because it is a settled position in law that "*when the words of a statute are clear, plain or unambiguous, i.e. they are reasonably susceptible to only one meaning, the courts are bound to give effect to that meaning irrespective of consequences.*"
- M.** Because it is a well-settled principle of statutory interpretation that: - "*it is wrong and dangerous to proceed by substituting some other words for words of the statute.*"
- N.** Because when Section 354A(1)(i), (ii) and (iv) do not mention the word 'woman', it is wrong to restrict the application of the entire section to victims/complainants who are 'women' on the basis of sub-clause (iii) alone.
- O.** In contrast sub-clause (iii) of clause (1) of Section 354A uses the phrase "woman".
- P.** Because in *NALSA*, the Hon'ble Supreme Court held that the non-recognition of the identity of transgender persons in various legislations including the IPC denies them equal protection of the law and leaves them vulnerable to harassment, violence and sexual assault in public places.
- Q.** Because denying legal protection to transgender victims of sexual harassment is violative of Articles 14, 15 and 21 of the Constitution.

- R.** Because in *NALSA*, the Hon'ble Supreme Court held that discrimination on the grounds of 'sex' under Articles 15 and 16 of the Constitution includes discrimination on the ground of 'gender identity'. Consequently, persons who identify as transgender or third gender and who are victims of sexual harassment cannot be left out from the purview of Section 354A of IPC on account of their gender identity. More so, when the language of the section itself does not permit such exclusion or omission.
- S.** Because in *NALSA*, the Hon'ble Supreme Court emphasized that the constitutional protection in Article 15 against sex-discrimination exists to "*prevent the direct or indirect attitude to treat people differently for reason of not being in conformity with stereotypical generalizations of binary genders.*"
- T.** Assuming for the sake of argument that Section 354A of IPC, which was introduced by way of the Criminal Law (Amendment) Act, 2013 [Act 13 of 2013], intends to protect 'women' from sexual harassment committed by men, it cannot be said that the expression 'woman' in Section 354 (1)(iii) refers to biological attributes of sex alone and not to the psychological attributes of gender. In *NALSA*, the Hon'ble Supreme Court held that gender attributes of one's self-image and the deep psychological or emotional sense of sexual identity and character are equally important and cannot be overlooked in the context of sex-discrimination.

- U. Because the Criminal Law (Amendment) Act, 2013 was substantially informed by the Report of the J.S Verma Committee, which itself noted: *“We need to remember that the founding fathers of our Constitution never thought that the Constitution is ‘mirror of perverse social discrimination’. On the contrary, it promised the mirror in which equality will be reflected brightly. Thus, all the sexual identities, including sexual minorities, including transgender communities are entitled to be totally protected.”* [Chapter 1, page 56, Report of the Committee on Amendments to Criminal Law, January 23, 2013].
- V. Because in *NALSA*, the Hon’ble Supreme Court observed that the denial of fundamental rights to transgender persons is: - *“premised on a prevalent juridical assumption that the law should target discrimination based on sex i.e whether the person is anatomically male or female, rather than gender i.e whether the person has qualities that society considers masculine or feminine.*
- W. Because even if Section 354A of IPC was premised on the legislative understanding that women, as a class, are more vulnerable to sexual harassment by male perpetrators, it does not imply that the law excludes other victims, who, though may not be of the ‘female’ sex in ‘biological’ terms but suffer similar harassment on account of their feminine traits, gender expression and personality.

- X.** Because a purposive interpretation of Section 354A of IPC shows that it intends to protect person(s) who face sexual harassment on account of their feminine gender expression and identity. This would include ‘cis-gendered women’ i.e. persons who are assigned female sex at birth and identify as a woman as well as ‘transgender women’ i.e. persons who are assigned male sex at birth but who identify as a woman.
- Y.** Because if construed otherwise, Section 354A will exclude persons who were not assigned female sex at birth, but who still suffer sexual harassment on account of their feminine gender identity and expression. This constitutes discrimination and deprives such persons, especially transgender women of a remedy in criminal law against sexual harassment.
- Z.** Because in *NALSA*, the Hon’ble Supreme Court held that *“discrimination on the basis of gender identity includes any discrimination, exclusion, restriction or preference, which has the effect of nullifying or transposing equality by the law or the equal protection of laws guaranteed under the Constitution.”*
- AA.** Because Section 354A of IPC cannot be interpreted in a manner that discriminates against victims on the basis of their gender identity. Such an interpretation would violate Articles 14, 15 and 21 of the Constitution.

- BB.** Because in *Ashish Kumar Misra v. Bharat Sarkar*, AIR 2015 All 124, the Hon'ble High Court of Allahabad dealt with a similar issue of statutory interpretation of the National Food Security Act, 2013 in relation to transgender persons. Section 13 of the National Food Security Act, 2013 stipulated that "*Women of eighteen years of age or above to be head of household for purpose of issue of ration cards.*" While interpreting Section 13, the Hon'ble High Court observed that though the purpose of the provision was to recognize the rights of a woman as the head of the household for the purposes of the Food Security Act, "that *however cannot be read as an exclusion of a transgender to apply for the issuance of a ration card.*" The High Court was of the opinion that the object and purpose of Section 13 of the Act was women's empowerment and not to exclude transgender persons from availing of benefits and being recognized as heads of their households.
- CC.** Because an inclusive reading of Section 354A of the IPC merely extends protection to persons who face sexual harassment on the grounds of their gender identity and expression. It does not undermine or weaken the legal protection accorded to 'women' as a special class.
- DD.** Because in *NALSA*, this Hon'ble Court relied on the 'Yogyakarta Principles' i.e. a set of principles of international human rights law in relation to sexual orientation and gender identity and found them to be

consistent with the various fundamental rights guaranteed under the Indian Constitution.

- EE.** Because as per Principle 5 of the Yogyakarta principles of 2007, “*Everyone, regardless of sexual orientation or gender identity, has the right to security of the person and to protection by the State against violence or bodily harm.*” Thus, international law requires that the State take necessary measures to ensure that there are appropriate criminal penalties for violence and related harassment, based on the sexual orientation or gender identity of any person or group of persons.
- FF.** Because it is well-settled in law that rights cannot exist without a remedy. This is evident in the maxim:- ‘*Ubi jus ibi remedium*’, i.e. Every right when it is breached must be provided with a right to remedy.
- GG.** Because in *Anita Kushwaha v. Pushap Sudan (2016) 8 SCC 509*, a constitution-bench of the Hon’ble Supreme Court has recognized access to justice as a fundamental right under Articles 14 and 21.
- HH.** Because the fundamental right to access to justice includes access to adjudicatory mechanisms, which in the present case, would include the ability of transgender persons to lodge a complaint, register an FIR and seek prosecution of the accused under Section 354A of IPC for the sexual harassment suffered by them.

- II.** Because the lack of remedy against sexual harassment is a violation of the fundamental right to live with dignity and security of the Petitioner under Article 21 of the Constitution of India, read with the Universal Declaration of Human Rights (“UDHR”) and the International Covenant of Civil and Political Rights (“ICCPR”).
- JJ.** Because transgender persons are especially vulnerable to sexual harassment on account of prevailing gender-stereotypes and prejudicial views about their sexuality in society. Denial of a remedy against sexual harassment in the Penal Code will have the effect of emboldening male perpetrators, who will commit sexual harassment against transgender persons with greater impunity.
- KK.** Because the denial of legal protection against sexual harassment impairs the enjoyment and exercise of other fundamental rights by transgender persons including the right to move freely and access public services, the right to pursue education, the right to seek employment and career opportunities and the right to participate in and contribute to the social, political, economic and cultural institutions that make up our society.
- LL.** Because the judgment of the Hon’ble Supreme Court in *NALSA* is binding law within the meaning of Article 141 of the Constitution. Reading Articles 141 and 142 of the Constitution together, the judgement of *NALSA* as laid down by the Hon’ble Supreme Court is binding on all executive and judicial authorities.

- MM.** Because section 354A, IPC is *pre-NALSA* statute and must be interpreted in light of the law laid down by the apex Court in relation to equal rights and protection of transgender persons under Part III of the Constitution.
- NN.** For that, any other ground(s) may be urged during the course of arguments in case necessity arises, with the kind permission of this Hon'ble Court.
31. That the cause of action has arisen within the jurisdiction of this Hon'ble Court, and therefore this Hon'ble Court has jurisdiction to entertain the present petition.
32. That the Petitioner craves leave to alter, amend or add to this petition.
33. That the Petitioner seeks leave to rely on documents, a list of which, along with true copies has been annexed to this Petition.
34. The Petitioner states that no other petition in respect of the subject matter of this petition has been filed either in this Hon'ble Court or the Hon'ble Supreme Court of India or any other court.
35. This Petition is made *bona fide* and in the interest of justice.

P R A Y E R

Therefore, in view of the above said facts and circumstance, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Issue an appropriate Writ, Order or Direction(s), declaring that Clauses (i), (ii) and (iv) of sub-section (1) of Section 354A of the Indian Penal Code, 1860, to the extent that they are being interpreted by the Respondents to exclude victims of sexual harassment who are transgender persons, are *ultra vires* Articles 14, 15 and 21 of the Constitution of India;
- b) Issue a direction, declaring that Section 354A of the IPC covers 'victims' who are transgender, gender-queer and gender non-conforming persons;

- c) Issue an appropriate writ, order or direction, directing that the complaints of sexual harassment made by victims who are transgender persons, be registered under section 354A of the Indian Penal Code, 1860;
- d) Award costs of this Petition to the Petitioner;

AND/OR

- e) Pass such other or further Order(s)/Direction(s), which may be deemed fit and proper in view of the facts and circumstances of the present case to meet the ends of justice.

AND FOR THIS KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY

PETITIONER

Place: New Delhi
Date: 21.08.2018

Drawn by:
Tripti Tandon and Aarushi Mahajan, Advocates

Settled by: Anand Grover, Sr. Advocate

Filed through:

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VERIFICATION:

Verified at New Delhi on this 21st day of August, 2018 that the contents of Para Nos. 1 to 35 of the petition are true and correct to the best of my knowledge as well as on the information and legal advice received

and believed to be true and correct. Last para is humble prayer to this
Hon'ble Court.

PETITIONER

The Leaflet