

To the Chief Justice of India
The Supreme Court of India,
New Delhi.

26th November 2022

Dear Chief Justice,

I am Rohin Bhatt, a queer lawyer practising before the Supreme Court. I am writing to you with a request to modify the appearance slips in the Supreme Court to include an additional column for mentioning people's pronouns so that they may be correctly used in the Court's order or judgement. While this may seem simple, and such a change will only require an administrative direction from you, it will go a long way in affirming the identities of the queer lawyers that appear before the Supreme Court.

Such a small step will go a long way in improving experiences within the legal system for trans, gender non-confirming and gender diverse lawyers. This will help the court to identify correct pronouns and forms of address by adopting one practice that applies equally to all and will go a long way in avoiding lawyers or parties having to raise the issue only after incorrect titles or pronouns are used. This will go a long way in addressing gender dysmorphia in queer lawyers. Finally, this will herald in a new era of a queer-friendly judiciary that supports a shift in professional practice towards asking all people how they should be respectfully addressed, acknowledging that this should not be assumed based on name, appearance or voice

Various other courts around the world have done it. Illustrative attention is drawn to the Provincial Court of British Columbia, in which the Court asks people to state their name, title (sometimes called "salutation"), and pronouns to be used in the proceeding and for lawyers to provide this information for their clients. If a party or lawyer does not provide this information in their introduction, they will be prompted by a court clerk to do so. For example:

"My name is Ms. Jane Lee, spelled L-E-E. I use she/her pronouns. I am the lawyer for Mx. Joe Carter who uses they/them pronouns".¹¹

The words that are used to describe people are essential to their gender identity, and language can often inflict symbolic violence on transgender litigants and lawyers in Court and lead to enhancing dysphoria, which can lead to psychological

distress. Use of correct pronouns in orders and judgements of the Court will affirm identities and challenge discriminatory attitudes, which, as your lordship will be well aware, is heightened when the subject of these attitudes is queer. The wrong pronouns in orders and judgements can disempower, demean, and reinforce exclusion.

Clarity and precision have been paramount in legal writing. When half of today's law students are women, and queer people are becoming more visible by the day in the legal profession, the Supreme Court should embrace language that is truly inclusive in its orders.

Judgements of the Court, which are often mandatory reading in law schools, provide law students with models of legal writing practices. We have all grown into lawyers by reading Justice Krishna Iyer's eloquent phrasing and the simplicity of the prose of judgements by Justice C.K. Thakkar. Several United States Supreme Court judges have argued to make their decisions more accessible in recent times.^[2] An essential aspect of this is making the language of the Court more inclusive.

Once we accept that using queer-friendly language in legal writing and judgements is a worthwhile goal, it is essential to look up to the highest Court in the land to help to set the standard and demonstrate that the same can be done without compromising the style of the judgements.

Law clerks who assist Your Lordships can be trained to check for queer-inclusive language, as they might check for other matters of style and grammar. In the long run, the lawyers who submit briefs to the Court should be instructed to use gender-inclusive techniques and eliminate the methods we were trained to use in law school.

I, therefore, respectfully approach you with a request to modify the appearance slips forthwith as a part of the fundamental right of every citizen to the self-determination of gender^[3] as also to turn the Court into an institution that is inclusive of all the citizens, queer or not.

I have taken the liberty to attach, as an annexure, a sample of a modified appearance slip with the suggested changes in red.

Thanking you in anticipation,

Rohin Bhatt

^[1] See, ‘A Change in How Parties and Lawyers Should Introduce Themselves in Court | Provincial Court of British Columbia’ (*Provincial Court of British Columbia*) <<https://www.provinciacourt.bc.ca/enews/enews-16-12-2020>> accessed 24 November 2022.

^[2] See, The Supreme Court – Kennedy Interview, Part I (In his interview, Justice Kennedy noted that judges should be good writers “because they are widely read.”). All members of the Roberts Court were interviewed except for Justice Souter. The videotaped interviews can be viewed at http://www.lawprose.org/interviews/supreme_court.php. See also, Thomas Interview, Part 1 (Justice Thomas commented that the Court’s opinions should be “accessible to nonlawyers” because the Constitution is not a document for lawyers); Ginsburg Interview, Part 2 and Alito Interview, Part 1.

^[3] National Legal Services Authority v. Union of India, (2014) 5 SCC 438.