

# DGCA to rethink transgender pilot's case

**Kochi:** The Centre has intervened in a row over denial of flying permission for India's first transgender pilot, resulting in the aviation regulator now allowing the Kerala native to "obtain a fresh medical assessment", reports **Anantha Narayanan K.**



DGCA sent Adam Harry (pic) an email on Wednesday asking for the "medical procedures" to be completed, two days after a July 11 letter from the ministry of social justice and empowerment to the aviation regulator.

## Will continue my fight for rights: India's first trans pilot

**Kochi:** The ministry of social justice and empowerment had written to the aviation regulator, calling its denial of a private pilot licence to Adam Harry, the country's first transgender pilot, "discriminatory", reports **Anantha Narayanan K.**

In 2019, Harry had applied for the medical clearance of DGCA so that his PPL, secured from South Africa, could be converted to enable him to join the course at Rajiv Gandhi Academy for Aviation Technology in Thiruvananthapuram. However, DGCA blocked his request on grounds of gender dysphoria (the dissonance between his or her biological sex

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**Times View:** Denying a pilot's licence to a transgender is clearly discriminatory.

Gender has nothing to do with one's flying skills. The central ministry's views are in tune with the times.

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and gender identity) and hormone replacement therapy.

Harry, who hails from Thiruvananthapuram, said he will comply with DGCA's requirements as per the mail sent on Wednesday, but continue his fight till the regulator provides specific guidelines for licencing and separate medical standards for transgender candidates who want to become pilots. "I received an email from DGCA and it looked somewhat positive," Harry said. A petition in Kerala HC on the matter will go ahead, Harry asserted.

The DGCA has asked Harry to apply for a name change as he had used his now-defunct name (Aisha TS) for DGCA registration in 2019 prior to his gender transition in 2020 and register as "transgender".

Harry joined a course in South Africa in 2016 for a commercial pilot licence but had to discontinue as his parents stopped financial support after he revealed his gender identity on social media. On his return to Kerala in 2017, he was locked up in a room for a year by his family and they forced him to do conversion therapy to "cure" his gender orientation. He later escaped.

AN INDIAN EXPRESS INVESTIGATION WITH  
THE INTERNATIONAL CONSORTIUM OF INVESTIGATIVE JOURNALISTS

# Uber obtained Delhi rape victim's medical records 'illegally', led to legal action in US

RITU SARIN  
& ANAND MOHAN J  
NEW DELHI, JULY 13

THE 2014 Delhi Uber rape victim settled down later in a US town, but the case trailed the cab-hailing company for several years and was a prelude to subsequent judicial orders on sexual assault by Uber drivers in the US.

The victim, referred to as Jane Doe in US court documents to mask her identity, had filed an original compensation case in 2015, followed by an invasion of privacy suit in 2017 over Uber's top executives accessing her medical records.

She received substantial compensation from Uber for the legal actions after "settling" both cases — the amounts were never made public.

The Uber Files, obtained by

*The Guardian* and shared with the International Consortium of Investigative Journalists with which *The Indian Express* has partnered for this investigation, reveal the tumult within the company over the Delhi rape incident and the damage-control thereafter.

Wigdor LLP, a leading law firm dealing with employment and sexual harassment litigation, filed the suits against Uber in California.

Reached for comments by *The Indian Express*, Jeanne M Christensen, one of the firm's partners

who handled the two cases, said details of the compensation can still not be revealed.

"Confidentiality does not dissipate over time and just like 2015 and 2017, we are unable to provide additional information," she replied. "What I can tell you is that later we filed a proposed

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## Uber

class action against Uber on behalf of many victims.”

On the occasion of the International Women’s Day in March 2015, Douglas Wigdor, senior partner at the law firm, released a statement by the Indian rape survivor, who was being cross-examined in a trial court at that time.

“Words cannot describe what I am currently going through and I continue to suffer mentally.” Stating that Uber executives were adding “insult to injury”, she alleged: “They have defied the local authorities and continue to operate in Delhi and have made cosmetic changes to their policies that are clearly marketing efforts designed to attract more customers.”

While the original suit filed by Wigdor LLP was for harassment and torture, the second suit named Uber CEO Travis Kalanick and Eric Alexander, then the company’s Vice President for Asia, as defendants. It detailed how Alexander travelled to New Delhi, managed to “illegally” obtain the victim’s private medical records prepared by physicians who examined her after the rape.

In the suit against Uber, the lawyers called it an “egregious” violation of privacy. The second petition filed by the rape victim stated: “Eric Alexander brought into the narrative of rape denialism which focuses on whether a victim had been drinking, what she was wearing, or whether she knew the alleged rapist, rather than the very real physical, emotional and financial toll that rape takes on a victim.”

The sequence of events: Once back at the Uber headquarters, Alexander showed the victim's medical records to Kalanick and other top Uber executives. Her medical file remained in the Uber headquarters for a full year before Recode, a technology news and analysis website, uncovered it and Alexander was forced to quit.

This is how the incident was described in Mike Isaac's best-seller 'Super Pumped: The Battle for Uber'. The author, the technology correspondent for The New York Times, wrote: "Carrying around the private medical files of the victim was questionable and Kalanick knew he had to fire his friend before the Recode story ran. So he called Alexander, told him the situation, and apologized for what he had to do. By June 7, it was over for Eric Alexander. The executive was gone, a last ditch effort to save face."

Alexander did not respond to questions sent by the ICIJ and its partners.

Two weeks later, on June 21, 2017, the Uber ride ended for Kalanick as well. And "mishandling" of the Delhi rape case was listed among the missteps and swirling scandals that marked his tenure.

The class action suit filed by Wigdor LLP against Uber in March 2018 gave details of rape/sexual



assault against 11 women in the US (also called Jane Doe): "Because of Uber's failure to prioritize the safety of female passengers, thousands of women are at risk of being trapped in a vehicle and subjected to sexual harm at the hands of Uber drivers who have a duty to ensure their safe transport."

The petition also detailed Uber's faulty and perilous system of BCGs (background checks) and opposed future settlement of suits via arbitration.

It stated: "For years Uber has known about the magnitude of this problem and the number of women who have experienced sexual harassment and gender-based violence. Uber should have made drastic changes in the way it does business and invested money in preventing future attacks... in gutless fashion Uber responded by attempting to force Jane Doe's and all other similarly harmed women passengers, to cede their right to the public court system and force them into the soundless halls of arbitration."

The law firm also sent out a letter to Uber's Board of Directors (and made it public) on the subject. It urged: "Secret arbitration is the opposite of transparency... Secret arbitration takes away a woman's right to a trial by a jury of her peers and provides a dark alley for Uber to hide from the justice system, the media and public scrutiny."

Christensen told The Indian Express that their class-action suit resulted in Uber deciding that forced arbitration would not be required for claims involving sexual assault or rape.

The policy change came on May 15, 2018 when Uber released a statement saying, "We have learnt it's important to give sexual assault and harassment survivors control of how they pursue their claims... we will no longer require mandatory arbitration for individual claims of sexual assault or sexual harassment by Uber riders, drivers or employees."

In India, the woman's family has moved out of their home in Delhi where they stayed when the incident took place. "We wanted to move on and heal from this incident. We have managed to move on," her father said, adding that he is in touch, almost on a daily basis, with his daughter who moved abroad following her marriage.

Days after the rape on the night of December 5, 2014, the woman had told The Indian Express that she faced "difficulty in sleeping", saw "strange dreams" and felt "an urge to leave India" where she no longer felt "safe and comfortable".

"I don't know if she has those dreams anymore," the father said. "We don't speak about it. She is now the mother of two children and we are happy moving on with our lives. I am happy that she is enjoying her motherhood and is far removed from all this."