PEOPLE’S INQUIRY INTO THE STATUS OF THE IMPLEMENTATION OF THE NALSA JUDGMENT

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School of Social Sciences Jawaharlal Nehru University, New Delhi
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# Glossary of Terms

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<tr>
<th>Term</th>
<th>Definition</th>
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<tr>
<td><strong>Gender</strong></td>
<td>Gender is an internal sense of one's self with regards to being &quot;male,&quot; &quot;female,&quot; both or neither regardless of one's physical sex. Although &quot;gender&quot; is commonly misused to refer to the sexual distinction between males and females, it should not be viewed as a biological condition or confused with a person's attraction to sex partners.</td>
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<tr>
<td><strong>Binary Gender System</strong></td>
<td>A culturally defined code of acceptable behaviors and appearance which insists that there only two and only two sexes and two and only two genders that matches them.</td>
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<tr>
<td><strong>Butch</strong></td>
<td>Butch is a word commonly used in the lesbian and gay communities to identify masculine females or sometimes masculine gay men. The spectrum of identity within the lesbian community can include &quot;soft butches&quot; who identify masculine women, to transgender butches who often do not identify as &quot;women&quot; and are somewhat bi-gendered in their identity,&quot; to those who identify as transmen/FTM's but still retain an identity as &quot;butch.&quot;</td>
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<tr>
<td><strong>Cis-gender</strong></td>
<td>An adjective that means non-transgender. In other words, a cisgender woman is someone who was physiologically female at birth, raised as a girl, and who identifies as a woman.</td>
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<tr>
<td><strong>Gender Dysphoria</strong></td>
<td>A medical term used to denote any person who strongly and persistently identifies with the opposite sex. Also called Gender Identity Disorder (GID).</td>
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<tr>
<td><strong>Gender Euphoria</strong></td>
<td>Feeling positive about one's cross-gender activities. The term arises in the transgender community as a pun playing on the psychological term &quot;gender dysphoria&quot;.</td>
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<tr>
<td><strong>Gender Identity</strong></td>
<td>An inner sense that one is or belongs to a particular gender regardless of the actual physical body they inhabit. This is the individual’s innermost concept of self as &quot;male or &quot;female.&quot;</td>
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<tr>
<td><strong>Gender Reassignment Surgery (GRS)</strong></td>
<td>The actual surgery required to physically change a person’s birth sex. Commonly called a Sex Change. More recently being referred to as &quot;Gender Affirming Surgery&quot;.</td>
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<tr>
<td><strong>SRS</strong></td>
<td>Sex Reassignment Surgery, an abbreviation used for Sexual Reassignment Surgery</td>
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<tr>
<td><strong>Intersexed</strong></td>
<td>Persons born with physical or hormonal anomalies that result in variance from standard sexual conformation. There are a wide variety of conditions, some of which may not be discovered until puberty.</td>
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<tr>
<td><strong>Sexual Orientation</strong></td>
<td>A term used to refer to a person's emotional, romantic and sexual attraction to individuals of a particular sex, i.e. whether one is heterosexual, homosexual or bisexual. Although sometimes mistakenly equated with gender identity, sexual orientation is separate and distinct, from one's gender identity. For example, a person who is sexually attracted to men is not necessarily a woman.</td>
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<tr>
<td><strong>Transgender</strong></td>
<td>An umbrella term referring to anyone who's behavior, thoughts, or traits differ from the societal expectations for their sex. This group includes cross-dressers, transsexuals, and intersexed individuals. While some community members object to the term, it is generally considered politically useful. The term transgender should be used as an adjective, not as a noun.</td>
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<tr>
<td><strong>Transman</strong></td>
<td>A female-to-male transgender person.</td>
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<td><strong>Transperson</strong></td>
<td>A transgender person.</td>
</tr>
<tr>
<td><strong>Transwoman</strong></td>
<td>A male-to-female transgender person.</td>
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<tr>
<td><strong>GAT</strong></td>
<td>Gender affirmative therapy</td>
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WELCOME & INTRODUCTION:

By: L.C. Kranti, Executive Director, HRLN

On April 15 2014, the Supreme Court of India passed a landmark judgment in the case of National Legal Services Authority vs. Union of India & Others (NALSA) that not only laid down the principle of a right to self-determination of gender and recognition thereof in the law, but also placed various obligations on the Central and State Government with the aim of creating a political and legal environment that would enable trans persons to reach their full potential.

Two and a half years since the passage of the landmark judgment, very little has been done to uphold the spirit of NALSA on the part of the Central and State Governments. As a result, trans Persons continue to be denied the right of self-determination, access to documentation, education, healthcare, housing, livelihood and in effect dignity.

With the exception of a handful of pioneering steps by a few State Governments, the conduct of the Central Government actually demonstrates an indisputable resistance to affecting the mandates of the NALSA judgment. The Central Government first sought to modify and erode the enabling provisions of the NALSA judgment through an application for clarification/modification in the Supreme Court in July 2014, which the Apex Court later decided in June 2016.

The current bill is problematic on several fronts. Firstly, it eliminates the option of identifying as male or female, undermining the right to self-determination of gender. Secondly, it creates an onerous bureaucratic procedure for the recognition of transgender identities, which allows
the Government to act as gatekeepers in deciding who can or cannot identify as transgender and strips agency from transgender persons of the same. Thirdly, the proposed legislation fails to provide a concrete definition of what constitutes discrimination, and lacks enforcement mechanisms for invoking criminal sanctions when discriminatory behavior occurs.

Fourthly, it deprives transgender person's right of residence by failing to take cognizance of the fact that the home is often a site of violence for trans children. And fifthly, nowhere in the bill does it grapple with inheritance, property, adoption, or marriage rights, nor with reservations or anti-discrimination provisions, all critical components for enabling transgender persons to reach their fullest potential and live with dignity.

Kranti introduced all the judges on the dais which included Retd. Justice Radhakrishnan who headed the bench, PramadaMenon (Women's queer activist), AkshayKhanna (Anthropologist creative Theater activist), Grace Banu (Engineer, transgender activists), Sunil Mohan (Gender minorities, Law forum as a legal consultant) and Chinju Ashwathi
ADDRESS TO THE PARTICIPANTS:

By: Justice Radhakrishnan, Retired Chief Justice

Justice Radhakrishnan addressed the gathering by expressing his gratitude to be a part of IPT. Justice shared that he looked forward to the sharing and suggestions from the speakers from various parts of the country regarding how far and to what extent NALSA judgment has been implemented and ultimately render a verdict.

He applauded the fact that there has been an increased awareness among the people who are branded as transgender persons who seldom use to come out. The judgment was able to create a momentum in our country and elsewhere. As a result, transgender persons in the villages are also confidently coming out of closet. Justice Radhakrishnan spoke about the time when before NALSA judgment was rendered, people used to write anonymous letter, send documents as they were afraid to express their grievances openly due several reasons like social stigma or family members. However, post the judgment, people have been able to fight the social stigma due to increased awareness. Retd. Justice shared how in some ways the judgment has been implemented:

1. The status of third has been recognized constitutionally as a result of the judgment.
2. The judgment gives the third gender’s personal right of to decide self-identified gender.
3. Directions were given to all States as well as Central government to give recognition to the self-defined gender.
4. Directions given to all State and Central Government to take steps to treat them as socially and educationally backward community. When this community is recognized as a backward community then it will automatically entitle them all the benefits like the right to employment, reservation, admission, education, beneficial schemes etc. which will help empower them.

Under Article 144 of the Indian Constitution states that if someone falls under this category he is bound to receive all the benefits which are to be bestowed to this community. It would help them in getting educations, employment under Public Sector Undertakings and in filing petitions if their rights are infringed.

5. Centre and State government should address the problems faced by transgender persons such as fear, pain, shame, gender dysphoria, social stigma, social pressure, depression, suicidal tendencies, any assistance of SRS which he morally finds it wrong as it their choice to become male or female. There should be only their consent involved in finally deciding whether to go ahead with such surgery or not. The barriers poised by the society should not act as hindrance to them.

6. Centre and State government should provide proper healthcare facilities to all the transgender persons in hospitals such as separate bathrooms also.

7. Centre and State government should take steps to create public awareness so that the transgender persons are accepted as part of social life and not treated as untouchables. More NGOs should come forward to organize more meetings so that more awareness can be created. The issue should get more of media attention. Transgender persons should be made a part of such gatherings so that they can feel like a part and parcel of the society. Thus, they should be socially accepted in the society. Their community should be treated with equal respect and dignity like other communities. There is evidence of more transgender in cities like Kolkata, Mumbai, etc. than in Keralabecause people accept them there. Its show the outcome of the public awareness of people related to transgender.
8. Thus, for implementation judgment one of the keystone steps would be to create awareness among the general public in the best way one could. Moreover, about the Government’s effort to implement the judgment Retd. Judge said that under Article 144 it is the duty of the Government to ensure the implementation of the judgment given by the Supreme Court. If the Government is not enforcing the judgment criminal proceedings can be instituted against it. Moreover, he said that pressure has to be put on the Government either from parliamentarian or people to see that the directions given by the Supreme Court are implemented. It would act as a great instrument in implementation of the judgment.

The justice stressed that people must come forward so that they can be recognized and social stigma can be stopped. The retired Justice was very hopeful the certain grievances of the Trans Gender persons must be addressed through the judgment. Justice Radhakrishnan once again congratulated and welcomes all the speakers for covering all the issues through their depositions that will benefit the participants. Justice Radhakrishnan thanked the organizers for organising such an IPT and the participants from across the country to be a part of it.
1. **HOW DO WE UNDERSTAND GENDER? WHAT IS SELF-IDENTIFICATION?**

**SPEAKER: BRANDT D’MELLO**

Brandt speaking on the understanding gender recognition and self-identification opened his deposition with the statement “I am one person in the ocean of persons who do not conform to the identities that were handed to us at birth”. Sharing from his personal experience Brandt stated that it was a reminder that his narrative was one among many narratives. Brand D’Melo identifies himself as a binary transman but much of his identity as a man and his relationship with his masculinity has been changing over the years. No being conventional man’s man and shunning violent masculinity has been as difficult to live as has been difficult to understand about myself.

The shift from embracing without thought was branded as masculine to ascertaining what being masculine meant to Brandt and imbibing those masculinities has been especially difficult because that kind of masculinity that were cast upon him or that were expected from him. This shift came years after for Brandt when there came a point where he did not want to discuss or convince anyone, as the expectations of the society, family, state actors at both points of being a female and then at masculine level had caused an internal struggle. This had made him question his own identity.
Brandt feels that it is of utmost importance to talk because even for someone who feels that there is so much of binary, his/her identity is not to be fixed. Brandt stated that “I should be able to identify as a man and that should happen without getting labelled by a psychiatrist. The older I got the more difficult it was to adjust in place. The girl’s washroom wasn’t really my washroom. And the male bathroom was not mine enough.”

It is essential for his existence to be able to say that he is a man and be taken at face value without him having to substantiate it with a letter from psychiatrist stating of his “Gender identity disorder” or surgeon’s letter specifying him as “specifically male”. It is not easy to shake off the brand put on a person by the society. Brandt spoke about the spaces that occupy in it. It became more difficult for Brandt to become comfortable in these spaces as he grew older. At school, he was easy to get away with remarks of “tom boy” however life in college and as he grew older was difficult. Another matter of concern was the access to washrooms at school and college level where he would constantly feel unsafe. Brandt longed to have his body aligned with his gender identity that he decided to stop his education to pursue hormone therapy and Sex Reconstruction Surgery. No one should have to make such choices.

While talking about the hurdles he faced, Brandt was constantly bullied and ridiculed by his classmates because of his non-conforming gender identity. In another incident Brandt talked about harassment at work and subsequent grievance redressal process that he attempted to initiate but could not make a choice. Brandt has personally faced fear, hesitation, of entering institutions or academic spaces. He also shared that he early in his life had a dream to get into army, but wasn’t sure how his identity would fit in, therefore abandoned it.

Talking about Gender firming as oppose to sex reassignment surgeries, Brandt shared that “though it is not all; yet it is a lot”. Hence these can’t be taken as standard issues. In Brandt’s experience on access to health care particularly mental health resources, basic services for these should not be hard to access. Besides the general need for gender firming procedure, there is need to access general health care which involves sexual and all reproductive health care. He would not be able to stand to be called to the gynaeoffice for general check-ups,
screenings like ECGs, ultrasound, and chest x-ray etc. It is hard to find a general physician who would understand his needs and he feels comfortable with.

A lot of transpersons have tried changing names, faces, etc and lot of stories tell medico legal protocol another big problem. These protocols are not in place and how to enable access vs how to approach a transperson’s case that should not change anyone’s legal right to property inheritance. Brandt talked about the difficulty one has to face in the outside spaces, the family for some is an equally violent space and the emotional abuse, police action, and others that come along with it.

He emphasized on the need to have safer spaces for transpersons such as access public health care service which involves the sexual safety of trans-genders. The aspect of institutional violence was spoken about in reference to lack of toilets, horrendous experiences of being frisked at airport, in the metro, gendered spaces, ladies compartment where it is almost mandatory to make a choice regarding gender. When Brandt came out, he was subjected to violence from family, police action being taken against counselors, including physical as well as emotional abuse. Brandt rounded out the reminder that this is just one voice, one experience and there are hundreds more.
2. LEGAL RECOGNITION

SPEAKER: DR. L. RAMAKRISHNAN

Dr. L. Ramakrishnan, representing SAATHI, spoke about encounters with gender identity recognition both before and after the Supreme Court NASLA judgment. There have been two Supreme Court decisions - NASLA judgment 2014 and Koushal of 2013 that are mutually a little contradictory in some aspect. There was also the report of Ministry of Social Justice Empowerment Committee’s report (2014) and the transgender protection right bill. NALSA judgment came in the year 2014 and it was the first ever judgment that spoke about the rights of ‘transgenders’. In this judgment for the first time the term ‘transgenders’ was defined. Under this judgment the term ‘transgenders’ was made an umbrella term, which would encompass anything and everything opposite of biological male and female and all those who identify themselves as the ‘third gender’. By accepting diverse gender identities in the judgment the court for the first time broke the ‘binary construct of gender’ that was earlier limited to man and woman.

Another critical aspect that it dealt with was the ‘issue of gender recognition.’ The Ministry of Social Justice and Empowerment (MSJE) in its report authorized the medical establishments for determining/verifying/recognizing the gender of a person through physical/biological examination, followed by a certification. The NALSA judgment on the contrary completely
ruled out the role of medical establishments in determining the gender of a person through physical and biological examination and for the first time gave recognition to ‘psychological sex’ as the means for verification/determination of a person’s gender.

Dr. Radhakrishnan further shared his experience from across the states with regards to post NASLA verdict phase. Some of the states in the post NALSA phase began with the work on establishing transgender boards and on forming policies for transpersons. In the state of Tamil Nadu a study was undertaken to evaluate the implementation of the NALSA Judgment and schemes for transgender persons. The study was conducted in 16 out of 32 districts and it was a qualitative study and covered different aspects of the judgment, some of the results of that came out in study were:

- State’s recognition does not eliminate transphobia, associated myths, and stereotypical attitudes among people.
- Human Rights of transgender person are violated in the name of physical examination for identifying transgender identity. In the study trans-persons shared that doctors harassed and touched in a way that felt inappropriate during the physical examination. At the end of the examination, identity cards were issued to few who got their surgery done. The one who got aroused during the examination were disqualified.
- Welfare board for transgender was formed in the state.

Some of the state judgments that are in direct contravention of NALSA:

1. Madras High Court: In one instance a transperson was disqualified from becoming a female constable and the court in direct contravention of the judgment stated that only those who underwent medical surgery were recognized as transgender.

2. Tamil Nadu High Court: The judgment came in August 2014, Comptroller of Examination, contravened the NALSA judgment.
In the end Dr. Radhakrishnan suggested that if the NALSA judgment is to be implemented in its letter and spirit it should be based on the following pillars:

1. Self-identification should be respected

2. Ministries to be given operational guidelines for carrying out psychological assessments.

**SPEAKER: SELVAM. M**

Selvam M identifies himself as a “Tamil Trans Man” who has transformed from a female to male. Selvam stated that even though the NALSA judgment came out in 2014 but he has not seen change or any benefit reaching people like him in any way. He still faces difficulty because the people do not like him and the society is hostile towards him. He yearns for legal and social recognition for his community. Selvam shared that like all the others people, he too wants to lead a life with dignity and respect which the NALSA judgment guarantees. But it has made no change or reaped any positive results for him.

Selvam reiterated that it is very difficult for the Transgender Community to get proper education and employment.

As Selvam had put- that from cradle to the death bed one (from Transgender community)
would be discriminated against just on the basis that one is born to a specific gender which is not accepted by the society as legitimate gender. It is against society’s norms. One of the major obstacle faced by transperson in achieving their distinct identity as gender is – when they want to get changes made in their documents. Officially too it is hard for them to get their even names changed.

Selvam stated that it is challenging for a transgender to remain in their native homes as the safety of homes cease to be safe and serve as no less than sites for torture and humiliation. A transperson is made to feel socially isolated and inferior for not belonging to one of the two dominant genders by their family members. Moreover, there are laws against Domestic Violence, Sexual Harassment, Rape and the law on Adoption; however none of these laws include any provision for transgender.

Selvam came out as a Transman, fifteen years ago but has never found or met no one else who is like him in all these years. It shows the taboo still associated with transgender and the fear with which the trans people live hence are still not willing to come out in the open as transgender. The fear of not getting accepted by the society, people from this community don’t reveal their identity.

From past several years, Selvam himself has been providing help and counselling to a lot of people who are struggling with coming out. There have been countless instances where transgender people have committed suicide as a result of being unable to bear the brunt of society’s and the way they are perceived. Each of such cases only proves the high level of hostility and extremely hatred of society towards transgender.

Some of the suggestions that came from Selvam were the need for easing the legal formalities, image of transgender (TGs) in media which needs to be changed, a help line for TGs to be rolled out and sensitization of police and jailors and trained with regards to the needs and issues of TGs in jails etc.

Thus, he says NALSA judgment should be implemented entirely to help the transgender reap its benefit.
3. ACCESS TO HEALTHCARE

SPEAKERS: DR. VENKATESAN CHAKRAPANI

Dr. Chakrapani, shared that while he was doing MBBS and also working at a public hospital, he never saw even a single trans gender person. It was only when he was doing his MD (first year) did he come across a TG since his specialty was in sexually transmitted infections. He shared that like other doctors he too at that time had many misconceptions and misunderstanding about TG issues. However even now nothing much has changed in relation with TG health issues. Dr. Chakrapani in his session summarized the evidence on access to health care for TG people.

Dr. Chakrapni spoke about what is mentioned in the Policy documents regarding health issues. As per the 12th five year plan it is explicitly mentioned that there has to be focus on access to healthcare for TG people. Unfortunately there is no action plan for implementation of broader strategy on how to improve access to health care for TG. The National Aids Control Program has HIV programs which explicitly mentions about TG persons in the HIV intervention and prevention program.
Ministry of Social Justice and empowerment has specific recommendations on how to improve access to health care for transgender people. The key recommendations include training for health care providers, need for non discrimination polices within the public health system and need for further research and creating awareness for TG persons.

The transgender people have lot of health issues in comparison to general population. This disproportionate burden of health issues amongst TGs is high when compared to general people eg. HIV prevalence among trans-women is 25%-30% higher similarly violence, use of alcohol and depression level is higher amongst TGs too. No single individual can be blamed for this since it is due to social stigma which leads to clustering of health problems.

The societal stigma is the key reason for the failure in accessing health care services to the trans-gender people. The trans people especially trans women face multiple stigma such as being a gender minority, seen as sex worker and some of them might also be HIV +. This leads to psycho social health problems in this community. This social stigma also creates fear of visiting public hospital. Some of the personal and social barriers include social stigma, lack of family and social support, lack of information about their own health issues and the kind of services that are available in hospitals. There are also financial issues in accessing optimal health services.

Certain common barriers in the public hospitals are such as: insensitive registration and admission procedures. Even after NALSA judgment, there is no clarity in terms of which gender should a TG be registered under. There are no clear hospital policies or any broad guidance from the government (state/Central). There is insensitivity and ignorance amongst health care providers. Due to experiences of bad treatment of health care providers at different levels, the TGs do not want to go to hospitals.

Dr. Chakrapani briefly shared some specific barriers in accessing health services in particular areas like HIV testing and treatment in public hospitals. The key concerns are lack of privacy and confidentiality of a HIV+ person’s status. Ideally both the person and the partner should be provided proper counselling but partners of trans-women are left out from treatment
which means that could lead to more infections. This is yet another evidence of lack of awareness of relationship issues between Trans-people and health care providers.

It is seen that when TGs are admitted in hospitals, they face stigma from the co-patients. Another barrier to achieving adherence to HIV treatment is lack of holistic care, lack of preventive services, lack of provision and information of cancer screening.

There have been several activities like ad hoc training for health care providers to address healthcare barriers. NACO has very recently come out with training manuals for Doctors which is yet to be printed.

Some of the suggestions given by Dr. Chakrapani were: the need for multiple multilevel interventions. At individual level there is need for training the doctors and at institutional and structured levels; promoting understanding and decreasing social stigma, sensitization, need to involve trans-people in all policy decisions and to include information in the curriculum. There is a need for trans-friendly registration and admission policies. There is need for National Guided Document on providing sensitive and competent services to trans-people.

SPEAKER:RESHMA PRASAD

Reshma Prasad addressed the participants and spoke on ‘Access to Health Care’. She introduced herself as a member of BSAC society. Initially she tried to present the facts related to health care issue of transgender. She spoke about separate zero surveillance client record. According to her, Supreme Court has requested the respective authority to conduct census of transgender which will lead to providing basic essential services to transgender.
Her main focus was on the counselling sessions for the transgender. She emphasized on counselling in the HIV program because of her extensive work experience in this field. She also elaborated on how a petition was filed in BSAC to raise the same issue which was supported by HRLN.

She thinks that counselling is the main component for intervention in the field of HIV AIDS treatment. Her views included the suggestions for alternative livelihood as it is not hidden how livelihood dependency of transgender is précised to sex work and beggary. She believed that alternative identity and livelihood for transgender would reduce the level of discrimination at workplace. She explained the vulnerability of transgender involved in sex work and how important special intervention is needed for them. Her suggestion also included counselling sessions should be provided to the transgender from a transgender only which will promote the level empathy and would lead to good results.
4. Access to Employment/Livelihood

SPEAKERS: RUPA DEVPNATH

Rupa Devnath, hailing from Assam briefly shared about the unchanged scenario post NALSA judgment. Rupa shared there are lack of livelihood options for people from her community. Most employers deny employment for even qualified and skilled transgender people.

However in several cases, transgender persons are asked to give documents which usually they do not have. Since the government has not provided provision, it is difficult to acquire identity proofs. Rupa in her brief depositions asked from the govt to implement NALSA judgment and address the lack of a proper and speedy documentation process.

SPEAKERS: POSHALI BASAK

Poushali hails from Gujarat and shared that there is very low visibility of Trans-Men especially in places like Gujarat. Poshali while speaking on ‘Access to Employment’ shared how people in this state do not approve of women dressed in men’s clothes. A female dressed up pants and shirt (Man’s attire) goes for an interview, can be asked to dress up like “women”.

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Poushalspokke from her personal experience. She is a medical doctor (Homeopathy) by profession. She went for an interview at a hospital in pants and shirt. She was told that if she wanted to get a job at the hospital then she will have to dress up like women.

People are not very open to receiving awareness. Public at large usually calls TGs a Hijra or Kinnar. They also call TGs as people who are out of the society rather than inside the society.

**SPEAKERS: ANKURA PATIL**

Ankura hails from Vadodhara Gujarat. She has done her Diploma in performing arts- Vocal. She also informed the participants that Ankura had participated in India’s first audio album of trans-women by Jeevan Trust. She shared that Gujarat does not recognize TGs as ‘Mata Savataar’. Hence this community does not get any respect. There are no provisions for education and livelihood for TG persons in Gujarat.
Ankura had completed her Diploma in performing arts- Vocal when she looked like a male. Then Ankura wanted to Kathak. She and her friend even though had passed the test, yet were denied admission due to her gender choice. There are several such incidents where people have failed to complete their education despite being competent due to discrimination and social stigma.

Ankura shared that it is a challenge for a transgender or Kothi to even visit a hospital as she people stare at them. Even though programs on HIV and awareness have been running the country since 2002 yet a transgender is not allowed to stand in a female’s que, objections are raised on her dressing up like a woman, doctors ignore so that they would not have to do a physical check up.

Discrimination with a transgender begins from home itself hence one can imagine how difficult it is for a transgender to get an employment. There are several transgender people who have done courses in Hotel Management and cooking and others who have applied for jobs at receptions yet no one is willing to give them a job. There have also been cases where fee structure has been kept so high that a transgender cannot afford it and they become demotivated. There are transgender persons in Delhi and Mumbai who are well settled; hence transgender people from other states also have aspirations.

She stated that NALSA judgment has not been implemented yet in Gujarat. NALSA has conducted many programs however mostly it has addressed MSM PLHIVs, Trangender PLHIV or Kinnar PLHIVs, female sex workers or their children. The judgment is not very clear to people hence the program workers do not understand the issues. The political power has gone to them but they do not have much knowledge to what to do. The burden of awareness generation is also on transgender person. They unite the community but the knowledge is something that is distant from the current picture.

When talking about livelihood, lots of transgender persons want to change their names. This has never been easy and never been granted. All the transgender persons are put under Third gender category for voter ID. This is unacceptable to trans-person. Hence lot of these people
do not have any voter ID and do not cast their vote. Since they cannot submit any proof such as ID card, ration card, they cannot be issued passport.

Ankura suggested that there should be a system in place which should facilitate a faster process for making all these identity related things.

SPEAKER: KUNDAN TAILOR

NALSA judgment has not been implemented in all the states of the country. In Gujarat there are 29 districts out of which only in 12 districts a secretary has been appointed. There is inadequate amount of staff in the state. Moreover, the programs so far have been focused on child labour, sex worker and HIV positive people only. Thus, there was no focus on the transgender people’s issues at all. Kundan shared that the body of GALSA does not know about the NALSA judgment. People like Kundan have been working towards increasing awareness regarding this judgment.

Kundan shared that the reason is due to lack of awareness of the Gujarat State Legal Services Authorities is not itself aware of the NALSA judgment. NALSA works in close coordination with the various State Legal Services Authorities, District Legal Services Authorities and other agencies for a regular exchange of relevant information, monitoring and updating on the implementation and progress of the various schemes in vogue and fostering a strategic and
coordinated approach to ensure smooth and streamlined functioning of the various agencies and stakeholders. Thus, he wants the system to be centralised and the authority to be made aware of what they have to do for the enforcement of the NALSA Judgment.

As per government’s rule that was passed 3 months ago, under Ajivika Mission Yojna- self help groups of women below poverty lines are constituted for empowerment and employment. These women will be entitled to benefits only under these groups. They want to focus on skill development so that those people could earn themselves by either finding jobs for themselves or getting self-employed. Coming to the implementation part of the rule, they have just made the group for the sake of making the group. There is no implementation of the programme. They claim that they will take 6 or 7 months to help this group of people but actually this process is going to take longer. Thus, this is the scenario of the Gujarat related to the enforceability of the NALSA.
5. Access to Education

SPEAKER: DHANANJAY CHAUHAN

Dhananjay Chauhan is the first transgender student from Punjab University in Chandigarh which is a Union Territory and hub of students from five states (J&K, Punjab, Haryana, MP and Gujarat). She was born and brought up in Chandigarh.

Dhananjay talked about the heterogeneous environment in University. She shared that the forms for MA does have a provision for TG under gender. When she wanted to enroll for a PhD course there was no column regarding TG gender. Hence Dhananjay could not enroll for PhD. She shared that it is very difficult for a person to change their name. Hence all of her documents carry a male name given to her during her childhood. Dhananjay is still forced to use her male name even though she wants to have a feminine name.

She also talked about the high fees structure which is a huge barrier for any transgender person to get education no matter how competent they are. She reiterated that there should at least 50% concession on fee. Dhananjay also stated that she was fortunate enough that she could pay for her education but a lot of trans-people cannot. Therefore, they cannot access the education due to financial constraints. In Punjab, trans-people are considered as Sufi saints. So there is less discrimination in comparison to other states. The issues of constructing separate toilets for trans-gender people have been a concern everywhere. However, the
management at Dhananjay’s college was very supportive and were happy to know that youths in their college had sense of equality. The trans-people at the college had the liberty to speak with management if came across any problems. Dhananjay has already given an application for the construction of separate toilets for trans gender people. The females from her class were very cooperative and were happy to share female bathroom with trans-people till the time new bathrooms could be constructed. For the first time in 150 years, Punjab University Syndicate body passed special budget of Rs. 23 Lakhs to build toilet for trans-gender people.

Dhananjay stated that people are confused due to lack of awareness. Students are pro-LGBT. They made a documentary. The student voice supports us. But middle aged people are the ones who have strong stigmas. The youth is different and are more supportive. They have also been conducting seminars on issues related with LGBT community. The SanatamDharam College in Chandigarh invited Dhananjay to speak at TED-X Talks, where she spoke on rights of trans-genders. There has been a remarkable change in the Punjab University in the last four years. No one has discriminated against her in Punjab University and she feels safe while on campus. Dhananjay stated that there is lacuna in policy making. Policy is a distant dream for Transgenders in India today. Welfare policies for TG persons lag in their approach to creating them in a holistic manner. Moreover, she suggested that if transgender people are given concessions in fee, there are separate hostels and bathrooms for TG persons, and then future will be different and favorable for this community as well. She has been born and brought up in Chandigarh and she feels rather safe there. Thus, NALSA judgment is effective only when it is implemented.

SPEAKERS: ABHI

Abhi hails from Kolkata, Bengal, and is associated with Centre for equality. He identifies himself as a Trans-man. Abhi is currently working as a school teacher. While speaking about violence in schools, he spoke from the perspective of a teacher and also from his own
experience of facing violence while he was studying at school and college. He started by mentioning how school uniform plays a vital role in the school in gender discrimination. As a school teacher also, Abhi had to face violence and discrimination from colleagues, staff members and students. It has taken him a long time where he feels that he can face the institutional authorities and challenge such institutions.

Abhi stated that it his fundamental right to self-identification. At school level many TG and gender non-conforming children have been forced to drop out due to compulsory gender segregated uniforms. An individual should be free to choose the nature of uniform based on gender expression.

Abhi also stated that gender segregation exists in sports and other ECA including NCC and NSS, this leads to extreme dysphoria and finally forced drop-out of students who do not identify themselves with male and female gender. All students should be free to choose the nature of ECA. There is gender segregation in seating arrangements, queue, penalization, gender non-conforming in school, and no acceptance of inter-sex students and other such activities alienate TG and leads to absenteeism and dysphoria.
Abhi stressed upon the need to revise the curriculum at schools. The present texts talk about only two genders reinforcing the dominant binary gender system. Therefore to bring larger social change, one must urge to introduce sex, gender and sexuality studies in school level curriculum.

Teachers work very closely with students. Therefore, the would-be teachers, who have enrolled for bachelor’s and master’s in education should be trained and be aware of how to deal with issues pertaining to lives of transgender, gender non-conforming persons and persons born with inter-sex variation in a just and sensitive manner. The existing curriculum of bachelor’s and masters in education must be inclusive of all gender identities.

Abhi also mentioned that currently there is lack of trans friendly infrastructure such as toilets. The sensitization and awareness program lacks awareness. Abhi also suggested that the refresher courses must include info about sex and gender. Since there is no health support in schools, many students are prone to dysphoria, depression and anxiety. It is seen that the doctors and para medicals also lack awareness. If doctors and para meds are trained then they can sensitize students on these issues as well, provide counselling and Gender affirmative therapy.

Trans gender children or those who do not fit into male/female gender identities are often bullied and harassed at school. There should be legal protection against bullying and discrimination. At college level there is a need to make provisions for anti-ragging protections, discrimination, anti bullying legal provision should be amended to conform to gender identities and sex-gender-sexuality redressal cell. Abhi suggested that there should be reservation in education institution.

**SPEAKER: SIMRAN PREET**

SimranPreet hails from Chandigarh. Simran is associated with Saksham Trust which has its presence in Haryana, Punjab and Chandigarh. Simran belongs to a Sikh family and used to go
to her college dressed up like a female. While sharing her experience, Simran said that around five years ago, she had enrolled herself in CSE (Computer Science engineering) Diploma Course. On the first day itself, Simran was told by her teacher that she would not be able to do CSE; she should rather enroll herself in a fashion designing course. Simran was disheartened and did not go for her classes for next five days. Her family was very supportive during the time and encouraged her to pursue her dreams. Simran later on did three year long Diploma in Mechanical Engineering. Simran after securing first position met with her CSE teacher again and told him about her achievements.

After the NALSA judgment came, Simran got her documents changed to transgender. She wanted to pursue B-Tec. The admission form did not have a column for Male and Female only so Simran crossed out “Male/Female” and wrote Transgender herself. Simran highlighted in bold is her story that “If you do not get your right, you snatch it”. She became the cynosure of the college and keeping her positive side up Simran said that being stared at everyday and being the only transgender in the class made her feel like a celebrity. Simran’s classmates and friends were very supportive. Simran shared that in Punjab, people from TG community are considered saints hence given a lot of respect. However she stressed with her Principal to “Treat her equally, give us equal respect-Not less, not more than any other student.” Simran used to interact with her Principal regularly to help make him aware of the issues of transgender people.
Simran along with her teacher have contacted Punjab Education Board in order to conduct seminars in schools to increase the knowledge amongst young people on issues of TG. Simran believes that it is important to change mind sets right from the beginning level. Hence she decided to work for her community. Simran has submitted a letter to Punjab school association board and requested to include TG column for inter-sex children in the school admission forms. She insisted that we have to ensure that the community is raised to a new level in education. So she is trying to work in that arena.

**SPEAKERS: SINTU BAGUI**

Sintu hails from Kolkata and is a sex worker’s child. After the movement on LGBT Rights for sex worker children, many people like Sintu came forward. She shared that people from her community have to face stigma and discrimination of being a sex worker’s child and also being a transgender. People call them by several names. She also shared that admission of a sex workers child in a school has challenges of its own and while in school a child initially does not know what he/she is. Sintu used to be called she boy and other names in Bangla.

A child in school is subjected to teasing and bullying and is often called ‘Homo’ or ‘Baudhi’ (Sister in law). Sintu said that most children drop out because of the trauma associated with
living in a red light area, being a child of a sex worker and also being a transgender. A lot of transgender people move from West Bengal to Bihar in search of work like “Launda” Dance. There are instances of violence on transgender people. Many transgender end up getting trafficked. Sintu stressed on the need for proper education for the transgender community. There are a lot of NGOs working in West Bengal but not much has been done for transgender people. Sintu suggested that there should be anti discrimination law in India.

**SPEAKER: CHRISTI RAJ**

Christi Raj talked about education and employment. He shared that a lot of transgender persons drop out of school after 7th or 8th standard; this poses a huge hindrance in finding a job later on. Bangalore University gives a 2% seat reservation for transgender people. However many transgender people can not avail from this provision because, most of them cannot even finish schooling.

It has been seen that mostly trans men and trans women work in NGOs. They find it difficult to work in mainstream work environment. This is also because people from this community do not want people to find out their identity. Christy suggested that since people from this community face safety issues, hence there should be anti sexual harassment committees in
office spaces. The transgender people find it difficult to find jobs even after having years of experience in NGOs.

Christy shared her personal experience that despite having worked in media, he does not have any work experience certificate. Generally people say that will provide support to transgender people but due to lack of education, nothing works out for this community. Hence, despite being talented, lot of transgender people cannot support themselves due to incomplete education. There needs to be provisions for to tackle this problem.
ManoharElavati,hails from Bangalore and is associated with SwarajAbhiyan. He has been working on issues of sexual minorities for 20 years. Manohar shared his observations from his working experience in state of Karnataka and Kerala. Transgender people are the most marginalized people of the society. They have to face stigma, discrimination, abuse, human rights violation. Not much has changed even after 2.5 years of the NALSA judgment. Whatever changes that have taken place, it has happened due to media efforts and public discourse, and because of active efforts of the government.

Some of the state governments have taken good steps like forming Transgender welfare board. State government of Kerala has a policy where they have included TG in state planning board. The transgender people are part of the meetings for planning of the next five year plan for the Kerala State.

Funds of Rs. Rs 10 crorehave been allocated for TG issues. Manohar also shared that the current Transgender Persons (Protection of Rights) Bill, 2016 has many gaps. The other issue being faced right now is the conflict of sex with gender- male/man and female/woman has to
be changed. Since there is huge confusion between ‘Sex’ and ‘Gender’ in people’s minds, it has been difficult in moving forward. The same confusion is seen in the NALSA judgment. Male and female are not about gender but sex. There is need to separate inter-sex people from transgender people. Since these are two different sets of people and with two different sets of needs and issues, hence inter sex people should be called inter sex and transgender as transgender people. The bill should also be changed and called ‘Transgender and Inter sex people’s bill’.

While talking about identity documents, the current bill forces everybody to be identified as transgender people. However lot of people identify themselves differently. Manohar stated that people should have a choice of having their own identity on ID cards. There can be a process where a certificate (if there is a certificate that needs to be issued) can have a declaration of his identity. A lot of people do not want to be identified with the identity at birth/gender/name. Hence they do not want that to be mentioned anywhere on the documents. The right of privacy of an individual should be respected. Otherwise, we could be creating a situation where transgender people would not take any measures due to fear of discrimination. Under the transgender section a sub-section on ‘transgender sex’ should be available.

Manohar also stated that ID card should have gender column and not restricted to Male/Female column. There is a lot of violence that transgender people have to face at home as well as outside. We need laws that will protect transgender people on the lines of SC/ST protection act because most of the times violence happens by the police. There should be also a provision of posing severe penalties on government in case of violation. Some laws in our country which criminalize transgender people. In Karnataka, there is section 36 A of Karnataka police act which assumes that every transgender is a criminal. There is also Hyderabad Eunuch Act; such laws must be removed immediately. May laws on issues like sexual harassment and assault, domestic violence excluded transgender people. The bill does not talk about adoption and other rights. There is a need to work on civil laws to give those
rights to TGS. The transgender community is a very small community; hence it can’t influence the elections hence the politicians don’t seem to be bothered about them.

The other methods where these people can have a voice must be taken into consideration. Manohar shared a proposal where 1% reservation among MLAs and MPs is given to transgender people not on the SC/ST model but similar Sangha seat in Sikkim. Manohar also shared that development can only happen when enough resources are allocated. We can think about allocating one person for resources only for TGS in every budget at state and national level. This will ensure that certain budget will only be spent for transgender community.

Other major issues faced in Karnataka since past four years is regarding pension scheme of Rs.500/- for transgender above 40 years of age and provision of 40,000/- for self employment. The procedure for both the schemes is very complicated and requires sensitization of 250 govt officials at state and national level. Since it is difficult to presume that people at every Taluk, district or state will be sensitive towards issue, it would be beneficial to have a system where TG both at State and National level can directly implement cutting through the systems which will be more useful in implementing. The proposal in the bill for National TG counsel should have 50% TGs in it. There should also be reservations for jobs and educational institutions - 1 from gen to TG, 1 from SC to TG and 1 from ST to TG. New schemes have to be created to ensure access to free and equal access to welfare.

Manohar also spoke about the negative portrayal of transgender in media as sexual objects. This needs to be changed. Manohar also proposed introduction of TG helpline. Kerala has helpline run by Transgender persons who provide counselling. More such facilities should be arranged. Other issues brought forth by Manohar were of transgender persons being put in male prison cells. It is also of utmost importance that caretakers in observation homes should understand the needs of transgender people and provide safety for them.
She is an engineering college drop-out who had to leave her studies due to her inability to bear with social stigma of being a transgender. As she had a body of a boy with feminine characteristics so it was difficult for her to live in a boy’s hostel in her college. Other boys in hostel made it difficult for me. It highlights the lack of proper hostel facilities for them. They have to adjust in other gender’s hostel and goes against them being identified as their gender. Although she had support from her warden but it could not compensate for hostility she faced as whole. Therefore, to cope up with it he thought of getting male to female transition and would also increase his career prospects as his gender would be defined in one of the two dominant genders. In our society, ones career prospect has direct relationship to one’s gender irrespective of which level of skill you possess for the job.

Body dysmorphic disorder is a mental disorder characterized by an obsessive preoccupation that some aspect of one's own appearance is severely flawed and warrants exceptional measures to hide or fix it. It also causes depression where one’s self-confidence is endangered while self-dignity is extinct. On top of it are people’s continuous remarks making fun of her. She being career-oriented started with her transition become a total different personality.

At his job, he admitted he is a transgender as a result of had to quit the job. Refusal to hire, privacy violations, harassment, and even physical and sexual violence on the job are common occurrences, and are experienced at high rate by transgender. Many people report changing
jobs to avoid discrimination or the risk of discrimination. Extreme levels of unemployment and poverty lead them to become involved in underground economies—such as sex and drug work—in order to survive.

But now she has a job at IBM where she is working after disclosing about her gender. People are friendly there but she can’t use the cab for females provided because officially her documents says she is a male. Due to which at late night hours, it’s difficult for her to go home due to her safety issues as a girl. But officially she is a male. So, can’t claim the benefits.

“My life doesn’t have an ID card” he said. Whether it be basic necessities like sim, bank, we do need ID card. Thus, it represents the way her life is hindered by lack of a proper ID card. Moreover the lack of conducive and easy procedures by Government for getting the Transgenders easily change their gender.

Her application for name change was rejected as they assigned gender to the names. Like if want to get your name changed from Sanjay to Sanjana it’s difficult. For them Sanjay is a male while Sanjana is female. So, one can’t change his name unless he belongs from the same gender in which he or she wants to change his name to as per their understanding. As a result she being a male on official document could not be assigned a female name.

To prove herself as girl they demanded a medical certificate from her. I feel it’s a violation of privacy. A person’s right to not disclose his/her personal information is infringed through it. Currently, her case is pending in Delhi court. She doesn’t want to disclose to everyone that she is a trans-sexual or a transgender due to the taboo associated with being a transgender. Thus, there should be transgender’s acceptability in the society as a whole.
7. Access to Housing

SPEAKERS: DONKUPAR MARWEIN

Donkupar belongs to Shillong and started with a background on her state. There are four main tribes in Meghalaya namely Bhoi, Khynriam, Pnar and War. Women in this state have more privileges compared to a man. The property is inherited by a female unlike rest of the India. However, the society in this part openly accepts female to male trans person. But there is fewer acceptances if a man transforms into a female. There have been instances where trans woman has to run away from the family due to non acceptance. Trans-woman does not find a place in the society. Being primarily a Christian state, the concept of transgender or gay men is very new for the locals. Due to stigma, many transgender have been chased out of their homes, consequently, they stay on the roadside and discarded from their homes and schools, without jobs, forced into doing sex work.

Donkupar representing a lot of her friends gave suggestion of opening shelter homes for transgender people too. In Meghalaya, it is a matriarchal society, therefore when a boy dresses up like a girl, it is seen as a problem, and under such circumstances the society doesn’t accept her. She also shared another of her personal experience where one of her very close friend’s mother passed away, the sister then asked her to change back into a man if she wanted to live with her, when she didn’t agree to the condition, they drove her away.

Hence transgender people in this state do not have access to proper housing facilities and no proper means to earn their livelihood.
8. Familial Violence

SPEAKERS: RAJ MERCHANT

Raj Merchant shared the findings from a study done by LABIA, the queer feminist collective of Mumbai for which 50 persons were interviewed that were assigned gender at birth and had several conversations with people across the country. There were 28 of 50 people who chose a different gender identity. Birth and marriage are the only two socially and legally sanctioned ways of acquiring families, native families are supposed to provide nurturing, support which ideally translates into an opportunity to live one’s life on their own terms.

The experiences of our respondents reiterated that family are extremely important not just for growing up but also for the impact they have on people’s later lives. However, families by themselves are not spaces of love and support. In fact, we found that systematic violence, hierarchies are built in family space and structures and the nurture that people find within these families often comes with punishment and control. So, families teach expectations and rules around appearance, behaviour very early on in one’s life. In this manner, narrow and binary definitions of gender are communicated roles are learnt, taught and modeled in society.

Thus, any behaviour, roles or expression out of the norm led to abuse, neglect, and rejection of gender expression, prohibition and punishments. Stories of acceptance, love, support were pretty rare. Often the violence accelerated within the family even before any other
social institution entered the picture and often when other institutions like school did, they often sided with the family. For almost half of the people that were spoken to during the study, the family was a space of extreme violence with very limited support. The violence is of all kinds—physical, sexual, mental, emotional neglect and this cuts across caste, class and other social differences where these family members, mothers, brothers, sisters and extended families all have been perpetrators of violence. Suicide attempts, cutting oneself, harming one self, depression and prostitution are all born in this space.

18 of 50 respondents in the study attempted suicide, most of them in their early teens dealing with their families. 7 respondents have been sexually abused from within their families and or inside their homes. It is evident that many individuals have been neglected or lonely in their childhood homes.

For some respondents their sense of self was uncomplicated right from the beginning and was at completed odds with their assigned gender. Many people spoke of feeling most vulnerable and immense violence at this early stage in their lives that they were still very dependent on their families and yet growing into their sense of selfhood in many different ways. This speaks of the violence of assignation itself of being brought up in a certain way that neglects ones felt gender and reinforces the assigned gender.

For some people this particular depression began as puberty hit, bodies began to change and societal norms around gender began to be reinforced with rules bring strictly laid down by parents, teachers and other authority figures. They said that it was possible for quite a few people until puberty because extremely difficult after that. People reported greater monitoring of what they were not aware of, who they could play with out of the house. Many people faced violence regarding mobility to go out play sports. This policy of gender expression was particularly significant for those respondents who deviated from being ‘typical girl’. The gender policy ranged from verbal abuse to tearing of clothes, physical violence, stopping education and house arrest. Out of 50 respondents 16 reported explicit violence because of not confirming to gender norms.
So apart from clothes and rules, the next best way to ensure ‘good behaviour’ is to get one married off as soon as possible. This gender specter of forced marriage either on individual or on their partners forced many people to leave their homes. Infact 6 of the respondents were married off at CIS men at some point in their lives. All of them eventually managed to leave these marriages and lead lives of their choice. This came at the cost of tremendous sorrow and pain to all involved.

We heard of many such stories of pressure on person or partner to get married. In such cases couples either run away on the spur of the moment o to make suicide pacts. There were stories of such pacts leading to death of one partner. The families of the run away couples are most likely to approach the police, judiciary, NGOs and counseling services as well. There are many examples of police and other pursuing such couples and bringing them back home to their respective families. In such cases the gender trans persons have been subjected to kidnapping charges, violence from their families, violence from their partners and violence from the state.

Many respondents who had to leave their homes found themselves at a loss as they were not able to finish education and training. This forced migration is very strong in all the narratives. 25 o 50 people had to migrate from their native place. Normally people who were forced to migrate come from marginalized castes and classes. This cutting of families has even more severe effects in leaving home and moving often to cities or urban places or states, its lead to complete destitution. There are no shelters including women shelter homes that would open their doors for queer couples. There is a lack of both city and languages spoken making it very difficult to find jobs or housing. Middle class English speaking people find it easier to find jobs but working class, local language speaking people find prospects of living on streets, railway stations and other completely unsafe spaces. Respondents aimed at dangers of leaving in native homes.

Few people spoke about the acceptance within the family than many others who shared stories of continuous physical and emotional violence, repeated attempts of calling them back home under false pretext and then not allowing them access to their own children,
withholding of certificate, forcing people to sign over their rights including property inheritance, violence does not end. There is no structure where they can have a family of their own. The study strongly underlines the need to address issue of violence in private spaces of families and not just public violence against transgender persons. None of the bills introduced, Act address violence. The Hijra family structure is being penalized. There is no provision for alternate support or to legitimize the one’s chosen families.

**SPEAKER: ANINDYA HAJRA**

Anindya Hajra is a resident from Kolkata and associated with organization called Pratyay Gender Trust. Anindya shared some cases that they have received in their shelter for transgender sex workers. The shelter aims to provide safe space for trans women in occupation which exposes them to various risks.

Anandiya highlighted the principle challenge is of the question of custody. It is a challenge especially for transperson who are below 18 years of age. Anyone below 18 years has their parents as natural custodians. However in case of the transgender person it extended beyond 18 years. Anandiya shared case study of Pooja who was 18 years old when she came to Pratyay Gender Trust through a mental health institution where she was forcibly put by her
family. Pooja was beaten up by her family members for choosing the way she was. Initially her family thought that it was just a phase and that Pooja will soon grow out of it.

However, Pooja’s gradual shift to wearing woman’s clothes, growing hair longer, etc started bring up issues with parents, growing violence and abuse. Her hair was cut off by her mother while she was asleep. Pooja’s dependence on her parents for financial assistance gave control her parents more control over her. She experienced physical violence and torture from her family and got into sex work to help support herself. Her parents continued violence when they saw their financial control slipping. Hence Poojaleft her home.

Pooja went back after few weeks when her mother called. This is when she was forcibly admitted in a mental health institution. She was under strict monitoring and isolation which further pulled in to depression. Luckily she was observed to be normal by the institution which helped her to find ways to escape. Pooja signed her own release forms being an adult and of sane mind.

Pooja is still threatened by her parents. Her parents traced her back to a beauty parlor where she had started working. She feels unsafe and the police have not been of any help due to the influence of her maternal uncle. All her savings are taken away and her parents refused to give her any of her documents when she wanted to go for sex reassignment.

Similar to her story there are other cases of property and financial troubles within families. There is a need to relook at the family as a safe space. All these concerns cannot be addressed with just one bill. There is also a need to have discussion over how to familial and violence issue extended to issue of violence from partners as violence is multi-faceted. There is also a need to address reliance on the native family being abusive are common. It takes away from the fact that many of us have alternate families. There is a need to reimagining the family space in such scenario.
Sho is a member of Lebiaand Jan Jagran Shakti Citizen Worker and works with small farmers in rural Bihar. Sho shared a case study from last year in August, where newspapers covered the story of two girls who were arrested in Champaran, Bihar because they claimed themselves to be married and wanted to live together. The team from Sho's organization wanted to find these girls and support them.

To find the exact location was a big challenge. Champaran is on Bihar-Nepal border. It is a Naxal area as well. The team couldn't find any groups in that area but found HRLN in Patna and met with two lawyers Varun and Anshu. After lots difficulties, they went to meet the girls. It was then found out that one of the two girls (who showed more masculine traits) was arrested while Sona, the feminine partner was sent back home. The team reported that the situation was serious, Arnika (jailed) was booked under the POCSO Act, section 366 A, sec 372, sec 34 were in the FIR against them. Under section 34 Arnika’s family was also booked.

However, the statement given by both the girls in front of the magistrate clearly stated that both had mutually agreed to run away from home but their appeals were rejected. Arnika was imprisoned even though her age could not be detected due to lack of proper documents. She was denied bail. There was a general understanding that such cases were not too common in that part of Bihar and locals wanted it to be shifted to Patna High Court. In the mean time trial began in session court. HRLN had legal expertise and owing to the recent Prison reforms, it became difficult to enter the prison. Three of the team members went from the union to meet Arnika in jail. HRLN tried to get free legal aid for them. Meanwhile, her family had already
hired a lawyer. He gave excuses such as she was kicked by a cow when she was in 4th standard and this is due to that. The lawyer for the girl assured us to not to worry.

Arnikawas from Khushinagar in UP, who was a Dalit minority. Her family had sent her to a priest who harassed her. She ran and reached Bihar where she met Sona. They lived together for 3 months until police arrested them. There were lot of delays in the legal processes, there were various problems and confusion among the lawyers such as whether it Arnika was minor or not, medical examination was not done, lack of evidence etc. Brother of Arnika wanted to get rid of her and told the lawyer to extend the legal proceedings. There was further delay.

The team was also worried about their rehabilitation after Arnika was out of jail. There are several issues of concern such as rehabilitation, networking, and corruption in judicial system. Recently Arnika was released from jail and sent home. The team spoke to Arnika’s brother on 2nd November 2016, and was informed that Arnika is under house arrest. The families continued to be non-cooperative. The team tabled the question during IPT as to what can we do in such cases. There are so many structural issues and the entire judicial system is corrupt.
SPEAKERS: SUMATHI MURTHY

Sumathi hails from Bangalore and has been working for last 15 years in this field. While speaking on public violence, Sumathi stated that when it comes to people assigned male or female at birth, whenever violence happen on them, the state of public violence is seldom seen as human rights violation, it becomes a family affair and is dealt on that level. So if the perpetrator are family, the question of punishing family members doesn’t arise at all. Hence it is difficult to assess how this issue will get into issue of stat violence or public violence.

Sumathi shared a case study of Dalit transperson who was a stripped and paraded naked in kerala for refusing to have sex with a man. Here the trans person was not just being punished for being feminine but also for being a Dalit. Also generally when people have questions about gender of a person, it turn into sexual crime and this needs to be addressed. The question is how is this gender expression make people think about sexual crime on such people. In another case a transgender was paraded naked and was subjected to verbal and sexual abuse. Such cases could never be registered. First of all, to go and get the complain to register one has to morally answer why one is like this. In such cases even police harasses them.
In another case where two transpeople were having tea in a street corner, a lorry driver started teasing them and had doubts over their gender. The abuse further extended when their shirts were ripped off on public street to check what sort of body they have. By the time we reached the police station, when two parties were taken in for doing so, the accused and the police had already verbally and sexually abused these people. You have to give your expression of gender explanation to public on an everyday basis. The present bill talks about only 2 years punishment and doesn’t take into consideration the serious atrocities that are happening on this community by the public.

If the judges, Courts and advocates are sensitive towards these issues, they will never be able to handle the matter in fair manner. Even though the law and fundamental rights of a person give them right to stay independently yet trans-persons are forced into counseling if they want to live with their partners. However they are never counseled if they go back to live with parents. This was challenged in the Chennai court by Sundaram Lingam when the Trans women said she wants to live with her partner, she was not allowed, when she said I want to go back to my parents, the court immediately agreed. There is unfair treatment.

A transman and a female is always looked at as two women and coming out is never taken positively by families. There is always the danger of his being looked at as lesbian run away cases. One of a friend who was forced to undergo 25 days of counselling in Kerala when she had decided to live with her transpartner. The court was not ready to support and said my god we are doing blasphemy But unfortunately this is the constitutional right to live independently so we have to grant it. The state operates with prejudice and has to be sensitized at every level especially when it comes to violence and atrocities. The present bill does not even talk about violence and atrocities. There is only mention of unfair treatment (taken from labour law context) and discrimination.

Sumathi also brought concerns over rehabilitation, care and custody and the way people respond to it. The way people always think is that the whole identity is criminalized But there is also the feeling that there can be a solution to all of this By directing these people in
rehabilitation centres Or in Mental Health institutions So if there is any kind of violence that happens on them There is no redressal mechanism where one can file a case

Sumathi also said also shared about the protest in Bangalore And it was also brought up in NALSAjudgment about Kokila case Where she was harassed by the police and thief caught and got the police suspended. So for recourse like this it takes a campaign because the state works with prejudices and do not understand the sensitivity of generation

**SPEAKER: RACHANA MUDRABOYINA**

Rachna is sister of RohithVemula,she hails from Hyderabad and is a sex worker. Rachna represented her community with pride. She stated that this community has been kept away from education and proper employment. Hence she is representing all the trans sex workers who are educated yet forced to work on streets. Rachna comes from Telangana. She spoke at length about a study conducted by her organisation inSecunderabad and Hyderabad area about trans women in sex work.After the NALSA judgment came, she and few others made an organisation In Telanganacalled TelanganaHijra Inter Sex Trans Gender Samiti.

It is an unregistered & unfunded organisation. It is called unregistered collective because there is no hierarchy, everyone associated with this organisation is equal. All the members of this
organisation believe that they same because they fight for the same cause. It is called unfunded because they believe that money is not important for the cause that they are working for. The organisation is working towards instrumentalizing NALSA judgment in Telangana. They want to use the NASA Jasmine judgment as a tool to fight for the rights of the community.

The first thing that they did was to approach state government to implement the NALSA judgment. It was followed by a huge protest called SwabhimanProtest. Rachna and her associates called it SwabhimanYatraSabha because the pride of a transgender is very sacred and important right from the childhood. They started by asking people what they thought of the NALSAjudgment. People were happy that NALSA judgment gave them recognition. However Rachana believes that the judgment has reinstated the rights which were already there and is based on equality and freedom and has directed the state to execute it.

The judgment clearly states that all have equal rights. However in general people do not know what is the kind of recognition they have got after NALSA. There were also a lot of people who did not know anything about NALSA judgment at all. Some people also stated that they had issues with being called ‘third gender’. They believed that if all have equal rights then why should anyone be kept in third category.

Rachna share the story of a 52 year old Hijra who died on road in a very poor condition. He was very sick and had lot of problems and did not even have money. He had approached a lot of NGOs but did not receive any support from anywhere. In the end he even ran away from the hospital and finally died on street. So even after NALSAjudgment a lot of people from this community are homeless and are dying on streets and nothing has changed for them. People think that the transgender people have a lot of money. They don't have any problem but the truth is that people from this community is in poor condition, homeless and dying on streets.

There is the liberty of expressing the gender in Hijra system and there is little security. Coming out as a transgender or Hijra in the family is never easy, there are a lot of problems with in the family and sometimes with the partners too. A lot of Trans people stated that stigma and
discrimination does not limit itself to trans people, it also follows the families and the loved ones. There are very few exceptions where family has openly accepted the gender however even after now the judgment things have not magically changed overnight.

A lot of people shared that going to school was a traumatic experience for them and they would feel scared of the teachers, fellow students and peer threats. Abuse of a trans child is never seen as violation of child rights. This often leads to dropping out of school at a very early age. On being asked reasons to leave education a lot of people stated that lack of even simple facilities such as not being able to use females bathroom or forced to use male bathrooms created lot of hurdles for them hence children would try and use the bathroom when nobody was around. There are a lot of case studies where children was stripped off and even raped in schools.

This is still happening even after the NALSA judgment. There are also several case studies where trans women in sex work have been beaten up severely. In a case a trans woman while trying to catch a train fell on the railway track and her legs were cut under the train. in one more case, the dead body of a trans person was handed over to other hijras after 1 week of his death because there was no one to claim it.

As the visibility is growing so is growing violence and attack on trans people. In one more incident, a trans person who was well educated, had done her Masters and shifted to Hyderabad for a better living, was forced to work as a sex worker. She was attacked by the group of goons and killed within 15 days for shifting to Hyderabad.

Rachna and her team carried out a campaign against such atrocities on transgender people. The central government intervened only when the stories of attacks on transgender community reached at human rights Commission in different countries regarding how transgender have been treated in India. The perpetrators were arrested after that.

Out of 10 sex workers that were interviewed 9 had been raped. Some were even victims of gang rapes. The current bill does not even touch on the issue of rape of a transgender in sex work. In the case study of Sonia who was a transgender and also worked as a dancer to
support her family, she was in an abusive relationship for 7 years where her partner threw a mug of acid on her when she wanted to end the relationship. Sonia did not get any support from police and was probed into answering offensive questions. Hence still a lot needs to be done even after NALSA judgment.

Currently what is being done in Telangana is sensitizing schools and Universities inclusive policies e.g, TISS, HCU, Osmania University, strongly engaging with State Government for implementation of NALSA. Strongly engaging with stakeholders like Police, Lawyers, Media and Health Care providers regarding NALSA and engaging strongly with the People's Union like feminist movement, Dalit movement etc and engaging strongly with the print and Electronic media to raise awareness regarding NALSA judgment. Rachna ended by saying that there are a lot of such cases that are just piled up hence she requested HRLN and participants to come forward and help them.

SPEAKER: SANKARI

Sankari spoke about issues of violence after the NALSA judgment. The fact that NALSA judgment has not been implemented in state after state after state is an act of violation and violence in itself. Issue of gender sensitivity is something that is affecting every department, every official, every area and one need to keep talking about gender but the officials don’t seem to understand.
The core of all the violence against transgender people is the general verification, they are ‘putting down of feminine in all forms’. Until this is tackled we wouldn’t be able to stop violence against transgender community. Even the states that claim to be concerned about NALSA judgment have blind spots and do not engage in discussions about section 377. Sankari shared that she is from Tamil Nadu and would like to openly talk about the state violence that has been prevailing after the NALSA judgment. Sankri shared that there is no gender sensitivity among people. People in general are so unaware of what does “gender” mean. It is the responsibility of the state to ensure that people are sensitized to the concept and the idea of gender.

If every state would have had the gender sensitivity, then there would not be any obstacle of any kind. This is a form of violence and every state should focus on this. In the judgment they say that Trans can marry, but now they are putting section 377 on our relationships. Any state is not concerned regarding the sexual and marital relations of trans community. If we need this violence to go, then the NALSA judgment has to be implemented well.
10. HEALTH VIOLENCE

SPEAKER: VIJAYRAJA MALLIKA

Mallika spoke of the Aversion Therapy and how she was exposed to it. This therapy after NALSA’s judgment was banned as it supposes that the transgender people have a mental disorder which needed to be treated by medications. Therapy like aversion therapy is a form of psychological treatment in which the patient is exposed to a stimulus while simultaneously being subjected to some form of discomfort. This conditioning is intended to cause the patient to associate the stimulus with unpleasant sensations with the intention of quelling the targeted (sometimes compulsive) behaviour still continues.

She appreciated the role of media to sensitize the society about transgender in Kerala and about Kerala Government’s (The State Department of Social Justice) initiative to follow with 2014 Supreme Court judgment and become one of the first States in India to follow up with a welfare policy for the transgender community. It aims to empowering the transgender community with voting rights and strong social awareness and protection programs. Also stand strongly against the discrimination of Transgenders in educational campuses. In 2016, The Kerala Government introduced free Sex Reassignment Surgery (SRS) is the surgical procedure by which a transgender person’s physical appearance and function of their existing sexual characteristics are altered to resemble that of their identified gender by the way of government hospitals.
She then takes into consideration the impact of counselling given to transgender students in the schools and college. However, this counselling has more of negative effect than the positive effects.

Firstly- fake Counseling where counseling is done for two-three days. Counselor does not have sufficient and specific training to address the issues of the transgender person and/or attempts to treat problems outside the scope of the practice.

Secondly- anti-gender i.e. which opposing the identity or recognition of the transgender such counseling given to transgender student and anti-gender campaigns raised by community schools who addressing transgender student.

Thirdly- the school teachers are not trained how to handle transgender students and school counselors in counseling not fully themselves aware of what has to be done, they are highly incompetent to deal with the issue and sometimes practice misleading counselling techniques to counsel transgender students leading to cases of suicides among them.

Malika spoke about NALSA judgment and that it is not implemented properly. The counsellors at schools are not aware of any concepts. Healthcare professionals give misleading counselling to the students and these students often end up having suicidal tendencies.

Malika emphasized that she is a living martyr of Aversion therapy. Today she has evolved different kinds of diseases. After 2005 when the therapy had completed Mallika suffered from Rheumatic arthritis which has led to diabetes and dysfunctioning of her Kidneys She also has a very bad liver right now.

**SPEAKER: PROVAT**

Probat identified himself as a man and then as a transman. He briefly spoke about the harassment which all transgender s go through in hospitals and at the hands of the doctors.
Transgenders are few in number and hence not able to make a core support base. Transgenders need to come united.

He stated that proper infrastructure should be provided for transgender not only for binary people, be it hospital, school, public place or any other place. There is extensive need of training and awareness campaign to sensitize society about the transgender. He also requested that chapters at various levels should be added to create awareness. There is also lack of proper documentation which should be based on gender instead of sex. There still is required a lot of steps in various directions which need to be taken to overcome the current situation. Probat reiterated that healthcare is a mega question before the whole transgender community. Government should make provision for medical insurance. Medical professionals need to be trained and sensitized. India is still far behind the developed countries in this field. It needs to be taken care of.
11. SELF VIOLENCE

SPEAKER - KETKI RANADE

Ketaki is from Mumbai and works as a mental health activists. She highlighted the horrendous plight of the trans people which includes premature deaths, self-harm and deaths, an increase in number for depression, and suicides amongst gender queer persons. She talked about the National Transgender Discrimination Survey which showed a prevalence of suicidal attempts in transgender community is shockingly 41%.

In India, reports suggest that 12 out of 25 Trans genders interviewed, had attempted suicide once, while one had attempted suicide before the age of 10. She further questions as to how do we want to look at these findings? Vulnerability and risk amongst minority populations is a perpetual reality for them where vulnerability from social stigmas coming from family, peer, workplaces. She pointed out that the responses to the suicides have been individualistic, and the solution is often sort in clinic.

She suggested that Pathologization and medicalization of suicides makes us see it as an act of violence as almost invisible because the problem is seen as individual. Collective treatments are imperative for the social harm to be prevented. The individual model is somewhat like a Survival against all odds, and camouflaging of victims. Social suffering can be distinguished from self-harm. States that withhold the acknowledgement of pain are encouraging and
maintaining violence. Humiliation from societal institutions, are all sources. She said that ‘Survival against all odds’- hides the underlying cause and further questions if it is systemic or individualistic? Social suffering and social harm as opposed to self-harm emanates from what a system does to people. If we understand the suffering of trans person as emanating simultaneously- response to social harm has to be on multiple levels.

Multiple researches show that suicides are common amongst the Trans people community. Commonplace knowledge in psychology suggests that suicides are an individual’s problem. We in the society do not focus on the social solutions- pathologization- a medical problem rather than a social problem/social suffering, wherein even deaths have been caused by assaults in family, by the police. However there is another death i.e. Social death, as a consequence of social isolation. Social deaths are majorly as a consequence of our non-normative narratives. Such deaths can occur in subtle forms, lives that are unscripted by normative milestones. Such lives can be omitted and erased from social discourse. This is not a literal death but takes the form of a social death. Thus fixing the accountability on the professionals becomes important. Other forms of premature deaths- Experimental Sex Reconstruction Surgery carried out by poorly trained surgeons which include a range of unnecessary medical operations.

How do we conceptualize social suffering then? We owe a response from housing policy, education policy, health care, social and cultural process. By placing the onus of response from the society, not to make the individual pain invisible but to make care professionals much more empathetic and caring towards the entire process. Whether it be syllabus or training but the idea is to make the caregivers more authentic, accountable and empathetic towards those who need care.
Deepa spoke about self-harm and suicides. She highlighted a study in South Africa conducted by them which focused on suicides committed by trans men and female born gender sexual minorities. Lesbian suicides (the term is not really correct because this is addressing gender non-conforming people), there is a small number of cases that are misleading. On further presenting her study she said that in between 1995 to 2012, they documented about 22 no. of suicides, out of the only small population they interviewed. On expanding on the violence a trans experiences, she suggested that the inability to describe oneself through language itself is a vivid form of violence because there is a lack of language. They have gone through processes of not finding word to describe their identities. The suicides have been triggered by marriage proposals; the police, hospitals and academia have served as institutions that perpetuated institutionalized violence.

The gender non-conformity has been raised as an issue, for instance a Tran’s person having a relationship with cis-gender partner. People were experiencing multiple marginalizations. In the cases that were involving gender nonconforming persons, the person had to go through multiple forms of violence. One incidence also involved an Adivasi experiencing violence based on the gender identities. They were constantly identified as a masculine person in the local community, even after the person committed suicide, people gathered to determine his identity by seeing his genitals. The general trend is that Trans masculine person is accused of kidnapping the other. There was another case of a Dalit student who committed suicide who
was constantly seen as a male. There was a lot of harassment from the warden. There was objectification of gender identity. There were a lot of situations where there was family violence that we need to consider in our transgender bills.

**SPEAKERS: URMI JADHAV**

Being transgender, one has to face the substantial hostility that society associates with those who do not conform to gender norms as a consequence of it they are thrown out of their house by their family members. Sometimes in coping with their own feelings of difference due to considerable verbal harassment and physical violence done by society against them they themselves run away from their houses. Due to no means of proper livelihood, they are exposed to the sense of financial insecurity. Refusal to hire, privacy violations, harassment, and even physical and sexual violence on the job are common occurrences, and are experienced at high rates by transgender people. Extreme levels of unemployment and poverty lead one in eight to become involved in underground economies—such as sex and drug work—in order to survive. Moreover, due to social stigma associated with it there is lack of awareness initiatives taken for it as result ignorance persists among the transgender regarding the special provisions made by the laws to empower them by way of employment. Thus, ignorance plays a vital role as hindrance to transgender claiming their rights.

The other point to be considered is the peer pressure among the transgender. One to be accepted into the community and to get respect needs to abide by the norms as set by
community. As a result of which transgender people go along with what their community perceive as right. A case study was taken into account in which a transgender who was a bar dancer and a sex worker even after being diagnosed with HIV-AIDS continued with working as a sex worker because if she stopped from it she faces consequences like- social exclusion from transgender community, economic vulnerability and a lack of employment opportunities means. Areas of challenge include: understudy of transgender men and HIV infection; discrimination and social stigma for transgender HIV people; co-occurring mental health and substance abuse conditions. Even there is discrimination from healthcare providers, a lack of knowledge about transgender needs and the refusal of many national health systems or health insurance providers to cover their care all contribute to situations where it is difficult for transgender people to receive adequate treatment. This can also encourage discrimination within healthcare services, making it hard to access sexual health services. This exclusion or discrimination can affect people’s self-esteem and self-worth, contributing to depression, anxiety, substance abuse and self-harm among them.

For the transgender people, until their rights are protected by law and respected by society they will continue to be vulnerable section of the society. As well as protection by law, transgender people need better access to housing, employment and education. They must be able to access transgender specific healthcare services and sexual health information, free from fear of criminalization and discrimination. There should be creation of scientific and educational resources that inform public discussion about gender identity and gender diversity, to promote public policy development and to strengthen societal and familial attitudes and behaviours that affirm the dignity and rights of all individuals, regardless of gender identity or gender expression. She very strongly advocated that the NALSA judgment has not improved situation significantly for their communities. She suggested that Trans are doubtful about their property rights; there is lack of information among the hijra community to seek out help, young people (trans) are scared to be diagnosed as HIV positive are reservations and issues amongst many others.
12. SEXUAL REASSIGNMENT SURGERY

SPEAKERS: SUTANUKA BHATTACHARYA

Sutanuka Bhattacharya is a member of SAPPHO FOR EQUALITY. Her sharing was based on the ongoing research on understanding trans-bodies, trans-minds and trans-rights. Sutanuka shared information and experiences of transgenders. She spoke about using term ‘Gender affirmative therapy’ as oppose to ‘sex reassignment surgery’ mainly for the reason that many trans people are comfortable with gender affirmative therapy, it includes all the counselling, surgery and post-operative care like hormonal checkups etc whereas SRS talks only about the surgery part.

A lot of Trans people have shared about the traumatic experiences of going through counseling. Hence they have demanded that a psychiatric certificate should not be required for surgery. GAT should be made available outside the pathological framework. GAT is a very expensive and time taking process hence the Trans people demand state run hospitals having facilities. Also due to the cost factor, health insurance should cover GAT.

Trans gender and intersexed community people lack information about GAT hence they end up with very dangerous processes like someone end up going to a homeopathic doctor for a treatment. It is of utmost importance to find ways to disseminate information. It is important to understand that a person seeking GAT should not be considered as patient.

Sutanuka also emphasized that persons seeking GAT face medical negligence, discrimination and violence at the hands of the doctors and other health care providers. Therefore they demand inclusion of chapters on GAT in MBBS curriculum and along with information about accessories and prosthetics used by trans gender and gender confirming people.

All healthcare institutions should ensure staff members and doctors are sensitive toward person seeking GAT. All institutions should organize sex, gender and sexuality and GAT
awareness and sensitization programs for all their staff members including contractual staff members.

In most of cases it was seen that discrimination may not come from Doctor but other staff members. Sutanuka also suggested that the doctors and hospitals should be held accountable for the mistakes they do and there should be a regulatory body to govern smooth functioning of GAT in Trans centric and non discriminatory manner. This body will safeguard GAT seeker’s right to self determination of gender and in case of any discrimination and violence will hold health care institutions accountable. It should also ensure dissemination of information and trainings to health care professionals on GAT. It should develop ethico legal guidelines to assist health professionals, make GAT seekers access the video recordings of GAT. It should ensure mandatory informed consent before any kind of visual documentation. In most of such cases visual documentation is done for legal research. The consent forms for research and treatment should be separate. She ended by saying that no person should not be denied GAT if not consenting for research.

**SPEAKERS: NAMIKA SREEKUTTY**

Namikais from Kerala. NALSA judgment has resulted in most problems in Kerala. (The speaker didn’t give any justification about this statement) .There has been no implementation because transgender are facing troubles in finding places to live in their vicinity. Kerala Government has passed 10
crore budget for transgender. But the transgender don’t have any information about the surgery in Kerala. Thus, it points out to the lack of awareness initiatives taken for making people aware of the scheme. Transwomen have to migrate to other states to walk freely and express feminism. As there is no acceptance of their identity as third gender in their society, we still are facing problems in Kerala to freely roam.

There is lack of access to public spaces to them. First time in Kerala policy was made for transgender people. According to her transgender people should try to avail these benefits. Transgender policy was passed in Kerala last year but till now things have not been put into place. There are no transgender in Kerala because everyone migrates to other states. Even she lives in Tamil Nadu with some Guru. In Kerala, they passed the policy for their mandate. There is very minuscule visibility in the state right now. Namika dreams to go back to her village one day and will take her mother too.

SPEAKERS: SONU NIRAJAN

SonuNiranjan identifies himself as a transman. He spoke about the problem with SRS. He began with counselling where counselling is done with partner and one is done directly. In 2001 words when Sonudecided to stay with his partner, his parents did not take it very positively and forcibly took for counseling. The Counselor showed him blue films thinking that watching such movies would cure him and he would be fine. But that did not help. Sonu was happy about going for counselling initially because he thought that counselling might give him a platform where he can talk about his
issues and that the counselor would help him deal with hormones and he would be able to talk freely. However this did not happen instead 2-3 people came to check his body. Sonu himself had hated to see his body. But he was surprised that in order to do counseling his body was to be checked to figure out what he was. Sonu stated that being a Transgenders in one head then why was the body being checked he could never understand. So he actually fought against the process so that the other queers do not have to go through the same process because if the body examination becomes crucial for SRS then people like him will not even attempt anything around that.

Sonu also stated that doctors do not give any information on anything. when he asked the plastic surgeon who was to do surgery around my chest, about what he was going to do, then the doctor just shut him up by saying “shut up you don’t know anything and you don’t decide”. When Sonu went to a general surgeon who was supposed to do the surgery then the plastic surgeon came and fought with the physical Surgeon for having to accept to do the surgery on Sonu. There is a need for doctors to be sensitized about this issue in depth.

A lot of other people like Sonu come from middle class families and they find it difficult to afford such surgeries. Hence Sonu demanded provision of free surgery. Also each state should have the process for surgery and doctors should be well trained so that transgender are not treated as ginny pigs. He also stated that many of transpeople don’t have identification documents required for the surgery. Therefore he demanded proper identification such as BPL cards which otherwise is very difficult to get. He also suggested that mostly transgenders end up working in NGOs or CBOs because they don’t get other jobs. There is a need to understand medical needs of a trans person in different sense.

About NALSA judgment and other bills, there is a mention of different identities in NALSA judgment and there is invisibility of the female born trans. There is a need to understand this invisibility and tackle that. It would be highly beneficial if counselling process is sped up. There is a need to see female born trans separately and handle that separate.
She represents a firm in Shillong which is run by the Transpeople and LGBT community. Their organisation for the past six years has been working towards sensitizing the transgender community towards the issue of HIV-AIDS and has created lot of awareness through advocacy. However, due to Social exclusion, economic vulnerability and a lack of employment opportunities leaves people with limited choices - sex work being one of them.

It is often the most viable form of income available to transgender people, and a high proportion of transgender people engage in sex work which is one of the carrier of this disease. So, from six years they have been running a target-intervention programme for HIV-AIDS of their journey and they have tried to remove the social stigma related to HIV-AIDS among the transgender people. They have succeeded in overcoming a little stigma related to it. As a result of which can be seen in the Transgender empowered in going to the police station and police also responds well by taking prompt actions. They are provided remedy for the wrong done to them.

A case been illustrated of Lakshman and his partner where they were attacked by a person trying to kill Lakshman’s partner but instead of running away from that
Lakshman defended his partner and saved his partner. Then, he went to the police station and filed a F.I.R. The police also took prompt action and the culprit is now behind the bars right now.

Then, she points how in small cities transgender is a taboo. Teenage, youth and even sex worker don’t admit that they are Transgenders. To make people come admit it they organise camps and keep transgender as topic. Those who openly admit as transgender are made to speak out on their experience. It helps the other transgender who are fearing the taboo of being transgender break the taboo.

Awareness should be made among them the transgender people about that society will accept them as transgender. They need the support and acceptance of the society and it should be duly ensured by the society to them. Thus, society plays a vital role in breaking the taboo of transgender and helping transgender to admit their true-self.
14. ACCESS TO PUBLIC SPACE

SPEAKERS: DIANA BUDHIYAL

She is from Goa and is associated with organization called Virtue. Diana stated that it has been a decade in North and South district in Goa and drastic changes happened. As a result many transgender people who had come to Delhi have come back. Transgender population has increased, hence violence and discrimination has risen. Society is not open to accepting them. The NALSA judgment has not been implemented well in the community. There are gaps in its implementation. When we speak of public space, community is not comfortable with transgender people using public spaces. Even in private transport, they have to pay double than a heterogeneous sex person has to pay. Thus, this community is paying extra money for not belonging to the dominant sex groups.

In the railways, the CRPF people trouble them as they are suspicious of their motives. Thus, they generalize certain traits to whole of their community. It is common presumption amongst people that the only way of earning livelihood or money for a transgender through sex work. There have been instances where CRPF people have harassed transpersons and forced them to have sex in the toilet room of the railways. Thus, the trans persons are sexually exploited by them. The people in malls and while shopping do not accept transgender person as they are. People often stare at transgender person if they go to malls. Their gender-identity is not respected as distinct which also results in hurting their dignity. It is difficult for them to get admissions in schools, colleges etc. Thus, this community is denied their right of proper access to education. Transgender person is also seen with suspicion if they are simply
sitting in park or roaming in streets. Thus, the society feels that they have the right to question a transgender anytime they want. As Transgenders, from other states come to Goa to earn their living, this has led to an increase in cases of violence and abuse.

15. NALSA IMPLEMENTATION CASE STUDIES FROM THE STATES

SPEAKERS: BISWA BHUSAN PATTANAYAK (ODISHA)

VishwaBhushan represented an organisation called SAATHI. This organisation works with transgender people in Orissa and Manipur and other states. As far as the NALSA judgment implementation is concerned so far, a department of Social Security has been established. This department caters to elderly, transgender population and persons with disabilities. The action plan for the year 2016-17 includes sensitization of govt officials, social entitlements, SHG formation, skill development and placement under Livelihood Mission, vocational training under DDUGKY.

Government of Orissa has also covered transgender people under BPL category and under National Food Security Programme. Recently Panchayati Raj dept. allowed for auto inclusion under SECC. Two years ago, a third gender category was included in the recruitment of Jail Warder posts. The enrolment process for social entitlements (Aadhar and Voter ID card) has been initiated. Notification issued for covering transgender under DRI loan scheme (Rayagada district).
Regarding progress in implementation of NALSA so far notification has been issued in state of Orissa. Incase of name change for a person who is not a government servant an application has to be submitted to a competent authority (DSSEPD) along with an affidavit.

In case of name change for a person who is a government servant and affidavit along with newspaper Publication and a Publication in official gazette along with fees and application has to be submitted to administrative department.

In case Of gender change for a non government servant and application has to be submitted to a competent authority along with affidavit and newspaper Publication (two local and two national dailies). In case of gender change for a government servant the needs to be a Publication in official gazette (along with fees)along with application to the administrative department. There is also an online form introduced By Government of Odisha for self identification if somebody wants to change their name and gender.

There is also a housing scheme in Orissa BijuPuccaGharYojana and they have been covered under this scheme. In year 2016-17 financial years, 4 crore budget allocation has been done.
The online form is not fully functional but it is there.

The gaps that have been identified In NALSA Implementation are that Whenever this organisation has been in dialogue with the state government they have informed that they have written letter to Government of India. And are waiting to get a response in terms of what exactly is the definition of a transgender people. Since there is not much visibility of transgender hence there is also confusion between what is a transgender or Trans man or Trans women.

There are 5 schemes at Ministry Of Social justice and empowerment has introduced. But these schemes s are yet to be implemented at the ground level. Limited knowledge of issues of Trans people is also Seen amongst government officials.

The Civil Society organisations in Orissa have been working with a CBO in the Rayagada district. So along with this CBO and other gender and sexual minority groups, SAATHI has been
working towards strengthening community-based initiatives by creating awareness of NALSA and its provisions.

We have been conducting sensitization workshops with legal service providers (LSPs), involving S/DLSAs at state and district level. So far 105 LSPs have been sensitized on SC NALSA judgment. We also have been facilitating linkages between LSPs and community members around 100 community members supported by sensitized LSPs in preparing GIC affidavits to date.

This organisation has also been Strengthening community-based initiatives by building awareness of NALSA with relevant govt. departments (including demand generation meetings – interface between community members and govt. officials). They have been providing Continuous support / feedback to DSSEPD towards implementation of NALSA judgment. They have been facilitating access to schemes. They have done needs assessment, obtaining social entitlements, submission of scheme application, and follow-up, service uptake. The team has been providing support to watch collectivization of Transmen.

As far as mental and health issues are concerned the organisation has had Dialogue with mental health professionals (MHI, Cuttack; AIIMS, Bhubaneswar) towards Provision of stigma-free service, taking public stand against conversion therapy and how to provide LGBTI-friendly counselling services.

The organisation has also been reviewing medical curricula content (SCB, Cuttack; VSS, Sambalpur; AIIMS, Bhubaneswar) to identify gaps on representation of LGBTI issues in medical curriculum (e.g. Obstetrics and Gynaecology, Paediatrics, Surgery, Forensic Medicine, Psychiatry, etc.), and inclusion of accurate and sensitive LGBTI content in undergraduate, post graduate and continuing medical education.

So the way forward in terms of access to education, care and protection And access to Health Services, is to ensure safety of transgender children in educational institutions and addressing dropout from schools and taking appropriate step with universities towards
implementing June 2016 amendment of the anti-ragging regulations of University Grants Commission (UGC) of India.

There needs to be a barrier-free access to services for Children in Need of Care and Protection. This can be done by ensuring non-discriminatory environment at child care institutions towards inclusion of gender non-conforming children in need of care and protection (bringing change in Juvenile Justice Act’s implementation).

There also should be provision of access to barrier-free health services which should include issues of transgender in continuing medical education (CME), in-service training of students and faculty and advocacy for provision for free SRS services for transgender, including covering the service under insurance schemes (e.g. RSBY)

**SPEAKERS: SANTA KHURAI (MANIPUR)**

Santa Khurai is also associated with Saathi in the capacity of Secretary. She provided an update of NALSA judgment in the state of Manipur. Santa shared that transgender people have always been part of Manipuri culture and tradition which is very different from other situation in other parts of India.
Community mobilization has also had a history in North East. Saathi in Manipur has been mobilizing the community through its cultural space called Nukahamange where they do fashion parade, they would put up protest placards etc. SAATHI has been working towards scaling up sensitization workshops with legal service providers at state and district level involving S/DLSAs. They also conduct workshops with relevant govt. departments and engage with community members. A community-led advocacy has been carried out with Social Welfare, Health (including mental health), and media for trans-inclusive services.

There have been training and sensitization of District and State Legal Service Authorities lawyers on the ruling. So far sensitization workshops have been conducted at district level involving DLSA (Senapati, Thoubal, Imphal E and W, Churachandpur). These workshops have been beneficial in terms of establishing contacts with interested lawyers those who helped in preparing gender identity change affidavits.

Dialogues have been established with S/DLSA for empanelment of community members as para legal volunteers. This has resulted in MASALSA initiating process for amendment of Legal Services Act (at state level). Steps have been taken towards engagement with health care providers. These initiatives have been taken with health care provider for stigma free services especially in case of mental health, and involvement of health department officials in events.

Workshops are being conducted for sensitization on NALSA provisions, including differentiation between legal gender identity and clinical diagnosis (for e.g. legal gender identity requires self-identification, does not require clinical diagnosis of gender dysphoria). The team has also conducted advocacy with dept. of health to include SRS in state insurance scheme. Mental health professionals (including representatives from Indian Psychiatric Society, Manipur chapter) are taking public stand against conversion therapy and willing to extend support for psycho-social counselling.

Sensitization workshops have been conducted at Social Welfare Department where govt. officials are being oriented on NALSA ruling. This is also being done so that trans people can avail benefit as per schemes.
They have also been conducting media workshops (bringing understanding on the definition of transgender and the ruling) and providing facts and figures to media. Media publications have helped in putting pressure in govt. Successful processes and outputs have resulted in achievements such as: formation of Transgender Welfare Board. MASLSA has led meeting with all key government departments. Gender Identity Affidavits have been issued for 38 trans women and 32 for trans men. Altogether 70 individuals have benefitted from these efforts. The Health-needs assessment for transgender individuals is ongoing.

Santa shared some of the immediate challenges when it came to NALSA implementation such as going beyond legal gender change affidavits: gazette notification process and recognizing both binary and non-binary identities (transwoman, transman, third gender). MSJE schemes not implemented yet and the ration card are not available for trans-headed households. Santa also suggested the need for future advocacy that should aim at demanding a barrier-free access to services for Children in Need of Care and Protection, access to barrier-free health services and Barrier-free access to education.

**SPEAKERS:** Pushpa Gidwani (Rajasthan)

Pushpa, a social worker with the transgender community in the city of Jaipur, spoke with pride about her work in Rajasthan. She stated that there was not much that has happened after the NALSA judgment in 2014 however they could establish a transgender welfare board that was established. Since trans
gender people face lot of issues regarding not having a proper ID, Pushpa and her associates worked towards sanctioning a provision of a ‘Transgender ID’ which the government of Rajasthan has passed.

Pushpa has been helping many transgenders even before the NALSA judgment in opening bank account, voter ID etc for this community. She shared the case study of Ganga who became a police officer in 2015. However there still a dilemma about which gender category should Ganga put in. Even though Pushpa has met with Secretary but the issue has not been resolved. Pushpa also shared another case study of her younger daughter who has done her B-tech from engineering college in Jaipur. Initially there was reluctance in acceptance from the college staff but later everyone agreed when Pushpa posed the question to all in college assembly.

In yet another case of harassment by the police, Pushpa went to the police station at 11:30 in the night. The police only listened to Pushpa after they were convinced about the NALSA judgment. Pushpa is very hopeful that if HRLN and transgender people together work hard together within the state, it won’t take time to implement the judgment.

SPEAKER: T.D SHIVAKUMARA (TAMIL NADU)

In 2008, Tamil Nadu was still grappling with the issue of who are transgender the term within its ambit include which people and this question persisted even after the NALSA’s judgment in 2014. It shows the lack of awareness of people
about transgender. He indicated the need to sensitize people on their gender identification. The construction of gender is linked to societal processes that involve inter alia class, sexuality, age and ethnicity. Predominant gender constructs affect the lives of LGBT and intersexed persons as they do everyone else. It limits of them in identifying themselves as one of the two dominant gender and as a result of it there comes no question of the being identified as differently as third gender. Thus, transgender people need to be made gender sensitized about their unique identity and making them acknowledging themselves as ‘third gender’. Hence, leading to their self-identification.

NALSA judgment is helping people to understand their gender identity by Supreme Court judgment recognizing the “third gender”, gender expression being an integral part of a person’s identity. The judgment asserts that “both gender and biological attributes constitute distinct components of sex.” This runs counter to the reigning understanding of both the terms: sex, as the biological or physiological features of a person, and gender as the socio-cultural construction of what it means to be masculine or feminine.

Thus, it has helped people understand that gender is not the hormones or the body, it is the mind. It helped people respect their identity as Transgender and get comfortable in their transgender body is the result of the NALSA judgment. As per him, now as the third gender got recognition the problems related to education and employment would be solved. The two sectors—education and employment—are those key areas through which the discrimination against transgender needs to be combat and which also help in establishing their self and distinct identity.

SPEAKER: KIRAN

Kiran identifies himself as a trans man and is working on sexuality and disability and trans man. Kiran is an Adivasi, physically handicapped and also a trans man. Kiran was informed by government that he can not avail facilities under three categories. He can either avail facilities which are entitled to Advisees or physically handicapped or trans man. Kiran questioned why
these people talk in such a manner. He openly talks about his sexuality. Kiran’s request to put his sexuality on his ID was denied.

Kiran also spoke about access to IDs. If there is access to one ID then there is always someone who asks for another ID. Media has also been targeting the trans men and gender community. A Telugu program on transgenders ‘BathukuJatakaBandi’ embarrassed two trans gender people on the show. The host had criticised and threatened the couple, a 20-year-old woman and a 23-year-old trans-man, for their sexual preferences and wanted to slap them on air. SO in Karnataka and Andra Pradesh, this has been continuously happening where trans men and trans women are attacked on media. And the TG community is not giving enough of a response to such attacks.

Kiran spoke about the two schemes that the Karnataka govt has given of Rs. 20,000/- to start a business and pension of Rs. 500/- per month, also requires IDs which people cannot access, so half the people do not get it. Kiran encouraged people working together to bring these issues into the public domain.
QUESTIONS FROM JURY TO DEPONENTS

On behalf of all the jury members, AkshayKhanna (Anthropologist, creative Theater activist) congratulated and appreciated the all the speakers for sharing interesting and diverse display of experiences from different parts of the country.

Some of the questions posed by the jury members are:

1. AkshayKhanna (Jury Member):
   a. NALSA judgment limits our understanding of “gender”. It imagines transgender in binary- male to female and female to male. It also considers rest of the identities as “third gender” which comprises of Hijra etc. Hence how to deal with identity crisis of others than transgender like Kothi and queers and how to bring these people within NALSA framework? The Trans framework in NALSA is limited. Are we happy with it? If yes, why?

   b. How can we correlate with the law in the modern pretext? What should be our relationship to the law? We interact with lawyers, doc, etc through NGOs but not with Law? Does NALSA mean everything related to us will now be a legal issue?

   c. Our economy is changing a lot. I was looking at the economic changes and the TG issues. The privatization of education is increasing at a faster pace. Can we provide space to gender diversity? Once the NALSA framework is made redundant by economic changes in education, what happens to us?
d. Many of the speakers said that they are working on sensitizing people. Does it really matter? Has anything changed? Is it easy to conduct those workshops? Is that why we do them? And does our framework say so?

2. Chinju(Jury Member):
   a. We all have had a discussion on education. Whether we want a separate toilet for TGs or a unisex toilet?

   b. We sensitise as a part of the campus programme. SFI made membership or TG members in Kerala. Unisex toilets are there in Kerala (MG University). Health violence- HIV problems. TG people are rejected in Hospitals. Most community members want to stay with their community. Kudumstri project in Kerala. We need to have counselling with parents. We did not have enough discussions on intersexedpersons. I prefer a new bill for intersexedpersons. 2016 Bill defines Intersex person of North American society. Intersexedpeople are born with trait that doesn’t conform to the binary norms.

3. GraceBanu(Jury Member):
   a. Who gets to qualify as a transgender?

   b. Would it be fair to see a trans person with better economic background and living
at power with other transpeople who do not come from privileged backgrounds. So maybe we need to rethink the notion of self identification.

c. In Tamil Nadu, houses have been allotted to transgender people but in a very far off place, in the outskirts of the city. This kind of categorization is not good for integration of people in the community. There is a need to rethink the idea of housing and putting everybody away safely in the outskirts.

d. Many people under working class are financially in indigent circumstances and are expected to also study where they do not have the family to support them. There is a need to look at bold means for retention in education system such as stipends or scholarships to cover their expenses while they study.

e. Including the transpeople in OBC category is not sufficient to ensure exploration of representation of trans people because the number of trans people is very vast and the chances of trans people making it through all competitive exams and entering a position where they can change makers or have power to do so.

4. Pramada Menon (Jury Member):

   a. Are we segregating/splitting ourselves once again! Are we looking only at our inclusion and someone else's exclusion? We need to rethink of a best way of how we can work with whatever changes that are coming.
5. Mohan (Jury Member):

a. Is SRS and HIV the only health concern that we have! What about the other kind of health issues that Trans people have including treatment at hospitals.

b. Is NALSA competent enough to deal with the issues faced by the LGBT community?

c. How can we secure place for transgender and others in the era of modern economics especially in the fields of education, employment and politics?

JURY DELIBERATION

HRLN organised “The People’s Inquiry Into The Status of The Implementation Of The NALSA Judgment”. The esteemed jury members comprised of Retired Justice Radhakrishnan who headed the bench, PramadaMenon (Women’s queer activist), AkshayKhanna (Anthropologist creative Theater activist), Grace Banu (Engineer, transgender activists), Sunil Mohan (Gender minorities, Law forum as a legal consultant) and Chinju Ashwathi (Activist).

The IPT saw representations from 18 states that shared their experience and came out with some recommendations.

QUESTIONS BEFORE DELIBERATION:

Q- How much were the stake holders a part of the Ministry’s process of drafting of the bill.
The community felt the need to have a discussion because there were shortcomings in the present bill. We are not sure as to who was the part of stakeholders committee when Government was deliberating on the bill. But this was a group that was not involved in it.

Q- Which were the organisation that were involved in drafting process of the bill?
The government said that they had an exhaustive consultation with the members of this community before finalizing this bill.

Chayanika Shah shared that the first bill that came in 2015 involved consultation with few people. A lot of recommendations had gone from transgender community and the bill that has come now does not affect any of the concerns of Transgender people. The community people were given only 15 days to respond to this. There is no information shared by the ministry regarding consultations held before drafting of the bill.

One of the demands that are put forth is that the bill needs many more consultations. It needs to go to various kinds of cities and it need to talk to various kinds of people. The current bill does not seem to affect any of the concerns of transgender people. From the current bill it seems that there were not adequate consultations undertaken. It required that the standing committee should have gone to some cities and it is unclear from current document in terms of where all were these consultations held.

RECOMMENDATIONS:

To understand the bill and see the loopholes the process has been done by the participants and has listed out essential recommendations

1. The 2015 bill is absolutely not acceptable to the transgender community in the form that it is. It is not reflecting the realities of many transgender persons.
2. One has to realize that the NALSA judgment has said specific things. The current bill is a contempt of court as it does not reflect the NALSA judgment at all. The current bill has completely changed the definition. The NALSA judgment covers various different
identities that people come from. It includes trans persons who have multiple
different identity. But somehow it has not been included in this bill. So the
Transgender community demanded that this kind of definition has to be scrapped.
3. There is general misconception on public in the current bill. There is a confusion
between trans persons and intersexed persons with variations which was not there in
NALSA judgment. The different identities have been brought together without proper
understanding.
4. The name of the bill has to be changed to “Intersex and trans gender rights bill”. There
should be two different definitions in terms of trans person and inter-sex persons with
variations.
5. Each clause should address specific needs. The current bill reflects prejudices against
the transgender community. Instead of protecting the rights of the transgender
people the current bill controls and harms their lives. So this provision should be
removed.
6. The current bill does not declare the transgender community as backward class. Hence
they are not entitled to any kind of reservation as was promised in the
recommendations of Ministry of Social Justice and Empowerment which talked about
certain reservations for transgender people in employment.
7. The current bill needs to spell out certain clarification in terms of what kinds of
benefits and protection are there for transgender community which belongs to SC and
ST Category. These details are not clearly mentioned in the bill.
8. About the implementation of the bill it leaves out certain obligations, establishments
and persons. It does not lay out any kind of redressal mechanism. There are no
guidelines in terms of what kind of authority can a transgender person turns to in
cases of violation and instances violence and discrimination.
9. The current bill upholds family as the primary institution for support. This completely
erases the liberality of transgender community people. This bill actually includes a
clause which says that any person who helped such young person to come out of
homes of violence might be penalized. This again is an objectionable clause.
10. The bill also states that if a family is unable to take care of Transgender person than the person can be sent to a rehabilitation centre. Such Institutions can also end up violating the rights of a transgender person.

11. It denies the transgender person their right to choose their own sexuality and the life that they want to live around there gender and sexual choices. This is clearly a curb on the freedom of expression and life of a transgender person.

12. The current document refuses to acknowledge the importance of other kinds of community and alternative family structures.

13. In the current will there is absence of affirmative action on reasonable accommodation that will at least accommodate people in education employment etcin different possible ways at the policy level. This process has been completely removed in this bill.
PRESS RELEASE OF INTERIM JUDGMENT

PRESS INVITE

NATIONAL CONSULTATION OF GROUPS AND INDIVIDUALS WORKING WITH LESBIAN AND BISEXUAL WOMEN AND TRANS PERSONS

A National Consultation of Groups and Individuals Working with Lesbian and Bisexual Women and Trans Persons was held on November 2, 2016. The consultation resulted in the drafting of recommendations on the Transgender Persons (Protection of Rights) Bill, 2016, which will be circulated at the press conference, and then sent to the Lok Sabha.

THE PEOPLE’S INQUIRY INTO THE STATUS OF THE IMPLEMENTATION OF THE NALSA JUDGMENT

A Peoples’ Inquiry was then conducted into the Status of the Implementation of the NALSA Judgment on November 2, 2016. The NALSA Judgment, which was passed on April 14, 2014, provided transpersons with legal recognition and cast various legal obligations on the Central and State Governments to better the lives of transcommunities.

A panel consisting of Justice Radhakrishnan, Pramada Menon, Akshay Khanna, Chinju Ashwati, Sunil Mohan and Grace Bhanu heard depositions from representatives from Bihar, Assam, Delhi, Punjab Maharashtra, Karnataka, Manipur, Meghalaya, Kerala, Tamil Nadu, Karnataka, Goa, Odisha, Gujurat, Rajasthan, Telangana and West Bengal.

Members of the panel will share their interim findings and recommendations pertaining to the implementation of the NALSA Judgment.

NATIONAL CONSULTATION ON THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) BILL, 2016 AND ALLIED LEGISLATIONS

A National Consultation on the Transgender Persons (Protection of Rights) Bill, 2016 and Allied Legislations was then held on November 3 and 4, 2016. The Consultation resulted in the drafting of recommendations on the Transgender Bill of 2016, which will be circulated at the press conference, and then sent to the Lok Sabha.
We would deeply appreciate your participation in the press conference, which will be held promptly at 3:30pm.

VOTE OF THANKS

Ms. Sarita Barpanda thanked all the participants on behalf of HRLN for their active participation in “The People’s Inquiry Into The Status of The Implementation Of The NALSA Judgment”.