

TRANS RIGHTS

IN INDIA

A POLICY BRIEF BY
THE YP FOUNDATION

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PREFACE

Laws, policies and programs on issues of gender based violence, for protection of women's rights and promote gender equity have historically been limited to the binary understanding of men and women. This binary framework of gender within the categories of masculine men and feminine women in the society excludes and punishes those who do not conform to the gender assigned to them at birth. It also limits the framework in which education, service delivery and policies on health imagine bodies in a binary framework of male and female only. Transgender and intersex persons are often marginalized because of these structures. The exclusion and punishment faced by transgender communities is also reflected in the laws and policies of the country. In the recent times, social movements and activists have advocated with the State for protection of transgender people and recognition of transgender identities for affirmation of their social, political and economic rights. In light of recent and newer developments in the debates and discussions on transgender rights, The YP Foundation has developed this policy brief as a resource to understand the current situation on transgender rights in India.

The YP Foundation is a youth run and led organization that supports and develops feminist and rights based youth leadership towards gender equity. We work to enabling young people's deeper engagement and reflection on gender issues including violation of rights, violence at multiple levels and building solidarity across communities. This work would be incomplete without addressing realities of transgender people in the country. Young transgender people may find it difficult to affirm their identity due to various factors like non-acceptance in the family, bullying within schools/ colleges/ educational spaces, harassment in public spaces etc. The YP Foundation is committed to creating safe spaces for young people of diverse gender identities, sexual orientations, expressions and sex characteristics, and build appreciation for diversity across our work with young people. This policy brief is an attempt to inform young people about the current scenario of how laws/ absence of laws specifically impact the lives of transgender persons. It can also be used by anyone to build their own knowledge on laws and policies for transgender community and/or by trainers in gender workshops and trainings or to further dialogue and action to expand rights provision and violence prevention in different ways.

SECTION 1 INTRODUCTION

For the first time in India, in 2011, an attempt was made to estimate the number of transgender people through the national census. The Census reports showed the total number of trans people in India to be around 4.88 lakh, out of which 55,000 came from parents identifying their children as transgender in the age group 0-6. Although this shows the possibility of intersex children being included as transgender in the census survey, the figures are conservative estimates according to many activists.

MANY TRANS PERSONS IDENTIFY WITHIN THE BINARY GENDERS AS MALE/FEMALE AND HENCE MAY NOT HAVE RECORDED THEMSELVES AS TRANSGENDER RESULTING IN CONSERVATIVE ESTIMATES.

Moreover, many transgender youth and adults face homelessness due to violence within natal families and would not have been recorded in the census. For instance, The People's Union for Civil Liberties, Karnataka (PUCL-K) studied hijra sex workers in Bangalore. A report published by them in 2003 includes the experience of a young, trans identified person.

"I WAS AROUND SEVENTEEN YEARS. I STARTED ASSUMING MORE OF THE DOMESTIC RESPONSIBILITIES AT HOME. THE NEIGHBOURS STARTED TEASING ME. THEY WOULD CALL OUT TO ME AND SAY 'WHY DON'T YOU GO OUT AND WORK LIKE A MAN?' OR 'WHY ARE YOU STAYING AT HOME LIKE A GIRL?' BUT I LIKED BEING A GIRL. I FELT SHY ABOUT GOING OUT AND WORKING. RELATIVES WOULD ALSO MOCK AND SCOLD ME ON THIS SCORE," SHE SAYS IN HER TESTIMONIAL.

It was when she was still legally a minor that she was asked by her parents to leave not only her home but also her village. After a failed attempt to commit suicide by consuming rat poison, she left home to join the community of hijras. The resultant lack of employment opportunities, homelessness, sex work, police violence and all the vulnerabilities attached to an ostracised existence, made her life as a young trans person extremely challenging. This is the reality for a vast majority of young trans people in India. Compounded with caste, class and patriarchal oppression, the violence faced by a lot of trans youth is of staggering proportions.

THE 2011 CENSUS REVEALS A LOW LITERACY RATE IN THE TRANSGENDER COMMUNITY, AT 46% IN COMPARISON TO 74% LITERACY IN THE OVERALL POPULATION.

In 2015, according to a state-wide survey conducted by the department of social justice in Kerala, 58% of TG students drop out before completing 10th grade (24 % of TG students drop out even before completion of 9th grade). Reasons for this include:

- Severe harassment making studies impossible.
- Gender related negative experiences at school.
- Lack of poverty/special educational quota or reservation.

Among those who had to leave school due to harassment, nearly half reported of having experienced a negative home environment; 51 percent of the respondents were denied equal treatment in doctor's offices and hospitals; 100% of them have had at least one experience of being denied job due to their gender identity. 54% of the respondents had a monthly income of less than Rs. 5000 and only 11.6% have regular jobs.

While lack of records or surveys done by national authorities makes it difficult to track the true extent of violence, reports suggest that thousands of trans people are killed or badly injured in hate motivated attacks every year globally. The Trans Murder Monitoring project documented more than 2,000 murders in 66 countries between 2008 and 2016, equivalent to a killing every two days.

TRANS RIGHTS

IN INDIA

A 2015 STATE-WIDE SURVEY IN KERALA SHOWS

POOR EMPLOYMENT OPPORTUNITIES

54%

HAD A MONTHLY INCOME OF LESS THAN RS. 5000

100%

HAD AT LEAST ONE EXPERIENCE OF BEING DENIED JOB DUE TO THEIR GENDER IDENTITY

11.6%

HAD REGULAR JOBS



TRANS RIGHTS

IN INDIA

THE 2011 CENSUS REVEALS

LOW LITERACY RATES

46%

IN COMPARISON TO
74% LITERACY IN THE
OVERALL POPULATION



- SEVERE HARASSMENT MAKING STUDIES IMPOSSIBLE.
- GENDER RELATED NEGATIVE EXPERIENCES AT SCHOOL.
- LACK OF POVERTY/ SPECIAL EDUCATIONAL QUOTA OR RESERVATION.

58%

TRANSGENDER
STUDENTS DROP OUT
BEFORE 10TH GRADE



TRANS RIGHTS

IN INDIA

VIOLENCE

28%

SEXUALLY HARASSESED
OR RAPED BY PARTNERS

96%

DO NOT RAISE VOICE
AGAINST VIOLENCE

52%

FACE VIOLENCE
FROM POLICE

89%

MISTREATED AT
WORKPLACE



TRANS RIGHTS IN INDIA

LEGISLATIONS & THEIR IMPACT ON TRANSGENDER PEOPLE IN INDIA



CRIMINALISING LAWS

There are many colonial laws and post-independence legislations in India that negatively affect transgender communities and make them vulnerable to criminalisation under the judicial system. Combined with the prejudices of the enforcement agencies and the general apathy towards trans people, they struggle to access basic rights and legal processes and are disproportionately punished/victimised. According to the Kerala Transgender Policy report of 2015, 52% of the TGs are facing harassment from the police, 70.3% are not confident to face the police; 89% reported being mistreated at worksite; 28% have been sexually harassed or raped, by partners within one year; 96% do not raise complaints against violence because of their gender identity.

However, in the recent past, there have also been some steps taken towards passing empowering laws to protect trans communities in keeping with international precedents in trans rights. In some contexts, there is a complete absence of legislations to protect trans communities, especially where existing laws are conceptualised and defined in binarian language. To enable better advocacy and knowledge of trans issues, it is important to identify these aspects of the law.

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A) CRIMINALISING LAWS

The Immoral Traffic (Prevention) Act, 1956

Sex work in India is laid down under the Immoral Traffic (Prevention) Act, 1956 ("ITPA"). Acts punishable under ITPA include:

- Brothel keeping
- Living on earnings of sex work
- Procuring, inducing or detaining for prostitution. Penalties are higher where offences involve children (<16 yrs) & minors (< 18 yrs)
- Prostitution in areas notified by Police & near public places

Soliciting

The police do not require a warrant to arrest or search.

Under this law, trans women, who rely on sex work for a living, are picked up by the police if found to be soliciting in public places or when hotels are raided. In reality, trans women who are not soliciting and in fact, just occupying a public place or found on the street are presumed to be indulging in sex work and picked up by the police.

Anti beggary laws

In India, there is no central law which penalises begging. Although, 22 states (including few Union Territories) have their anti-begging laws. The Act which functions as the derivative figure for all the state anti-begging law is Bombay Prevention of Begging Act, 1959. States that have laws to criminalise begging:

- Andhra Pradesh
- Assam
- Bihar
- Chattisgarh
- Goa
- Gujarat
- Haryana
- Himachal Pradesh
- Jammu and Kashmir
- Jharkhand
- Karnataka
- Kerala
- Madhya Pradesh
- Maharashtra
- Punjab
- Sikkim
- Tamil Nadu
- Uttarakhand
- Uttar Pradesh
- West Bengal
- Daman and Diu
- Delhi

Additionally, The Transgender Persons [Protection of Rights] Bill 2016 also proposes to criminalise

begging. It says, "Whoever, compels or entices a transgender person to indulge in the act of begging or other similar forms of forced or bonded labour other than any compulsory service for public purposes imposed by Government shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine."

In reality, people with disabilities, poor people and trans women found in public places are assumed to be begging and arrested by the police. For instance, in November 2014, over 200 trans women were picked up by police in Bangalore and sent to an infamous rehabilitation centre called Beggar's colony. The police even raided the homes of trans women and arrested them.

The police don't need a warrant for arrests under this law.

Section 377

Unnatural offences.—Whoever voluntarily has carnal inter-course against the order of nature with any man, woman or animal, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Under this section, though legally, any sex between persons that is non penile vaginal can be criminalised, in practise it is used to criminalise, harass or intimidate homosexuals and trans people.

For instance in 2016 there were reports from Koppal district of Karnataka of a trans woman and her lover who got married, being threatened with a case under sec 377 by the husband's family.

However, in 2017 there were reports of a court letting off all four accused of gang raping a 19 year old trans girl in Wadgaon Budruk, Pune citing that neither sec 377 [under which the case against the accused was filed] which criminalises "carnal intercourse against the order of nature with any

man, woman or animal" nor IPC 376 which is the anti rape law which mentions women as the victims/survivors is applicable to a victim/survivor who is trans identified.

IN 2001, NAZ FOUNDATION (INDIA) TRUST, AN NGO CHALLENGED SECTION 377 IN THE DELHI HIGH COURT BY FILING A LAWSUIT TO ALLOW HOMOSEXUAL RELATIONS BETWEEN CONSENTING ADULTS. HOWEVER IN 2003, THE HIGH COURT DISMISSED THE CASE.

The Naz Foundation appealed this dismissal by the High Court to the Supreme Court, which instructed the High Court to reconsider the case. This led to the historic judgement in 2009 by Chief Justice A P Shah and Justice S. Muralidhar, which decriminalized consensual sexual acts between adults. On December 11th, 2012 a panel of two Supreme Court judges overturned the decision that the High Court had made in 2009. The judgement stated that the power to amend the law was with the Parliament and not the High Court, thus their (High Court's) judgment was constitutionally unstable.

Sec 320 Grievous hurt

Whoever voluntarily causes emasculation, permanent privation of the sight of any of the eyes, permanent privation of the hearing of any of the ears, privation of any member or joint, destroying or permanently impairing the powers of any member or joint, permanently disfiguring the head or face, fracture or dislocation of a bone or tooth, and any hurt which either endangers life or which causes the victim to be in severe bodily pain during the space of twenty days, or unable to follow his ordinary pursuits.

A trans woman who voluntarily goes for a gender affirming procedure in any set up other than a hospital, can be booked under this section.

Karnataka Police Act

In 2011, section 36 A was added to the Karnataka Police Act.

36A. Power to regulate eunuchs.- The Commissioner, may, in order to prevent or suppress or control undesirable activities of eunuchs, in the area under his charge, by notification in the official Gazette, make orders for-

- (a) preparation and maintenance of a register of the names and places of residence of all eunuchs residing in the area under his charge and who are reasonably suspected of kidnapping or emasculating boys or of committing unnatural offences or any other offences or abetting the commission of such offences,
- (b) filing objections by aggrieved eunuchs to the inclusion of his name in the register and for removal of his name from the register for reasons to be recorded in writing;
- (c) prohibiting a registered eunuch from doing such activities as may be stated in the order.
- (d) any other matter he may consider necessary.

Needless to say, this presumes guilt just by virtue of being trans and criminalises on the basis of a prejudice rather than any evidence pointing toward criminal activity. It is a violation of fundamental rights of equality, liberty and dignity.

Public Nuisance

Section 268 in The Indian Penal Code

268. Public nuisance.—A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right. A common nuisance is not excused on the ground that it causes some convenience or advantage.

Trans people are regularly harassed by this law because their very presence in public places, it is claimed, creates annoyance to public.

B) ABSENCE OF LAWS

Sexual assault and anti rape laws

Sec 375 in the IPC defines rape as a crime committed by a man against a woman.

There is currently no sexual assault laws that provides protection to transgender people in India.

Atrocities

There are several violations against trans communities that are very specific which is not covered by any protective laws. Some of the examples of atrocities committed against trans people are- stripping and parading naked, burying a transgender person in the gender rejected by them during their life choices, house arrests of young trans people, violence by natal families, forced hospitalisation to submit them to “corrective measures” for their chosen gender, dead naming [using the name given at birth], denying employment and education, inaction by the police when crimes are committed etc.

The Transgender Persons [Protection of Rights] Bill 2016 attempts to bring crimes like denying trans persons public passage or access to public places, forcing a transgender person to leave a house-hold,

village or other place of residence or harms/injures/ endangers the life, safety, health, or well-being, whether mental or physical, of a transgender person or tends to do acts including causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse etc. under the ambit of the law.

However, there is no mention of relief amounts, whether the crimes are bailable or non bailable or a grievance redressal mechanism that is accessible.

Inheritance laws

The various inheritance laws according to religious laws are gender specific. Many trans people are dispossessed of their share in the property, if any, by their natal families rendering them vulnerable.

Adoption

The Central Adoption Resource Authority (CARA) website provides an online registration form for couples and single men and women who want to adopt. The applicant category in the page offers just three options for adoptive parents: male, female, couple. Many trans people who desire to adopt children are not allowed to do so legally.

C) EMPOWERING LAWS

NALSA judgment

The Supreme Court judgment delivered by Justice KS Radhakrishnan Panicker and Justice AK Sikri on April 15, 2014 following a Public Interest Litigation filed by the National Legal Services Authority, was widely celebrated as a landmark judgment.

Key portions of the judgment-

- Upheld the right of trans people to self identify their gender as male, female or third gender irrespective of gender affirming surgeries or hormonal therapy.
- Socially and educationally declared trans people as backward classes and reservations to be extended in employment and education.
- Centre and State Governments were directed to

operate separate HIV Sero-surveillance centres since Hijras/ Transgenders face several sexual health issues.

- Centre and State Governments asked to take proper measures to provide medical care to TGs in the hospitals and also provide them separate public toilets and other facilities.
- Directions for Social welfare schemes to integrate them
- Directions for public awareness programmes to dispel prejudices against trans people was made.

However, even 3 years after this judgment it is still to be implemented by the central and state governments. The right to self identify gender is also not being recognised by any authority in charge of legal gender change. This has led unfortunately to situation in India, where, a promise of trans rights has been made on paper, yet to be actualised through practise.

Several state governments have however, taken initiative to set up transgender welfare boards to hand out benefits to the community. In the absence of lack of will from the central government to implement the NALSA judgment, activists are attempting to build pressure in their respective states for accessing rights. A mapping of various schemes and welfare boards across states is crucial to understand the ground reality.

SECTION 3 MAPPING TRANS WELFARE BOARDS

Presently, Tamil Nadu, Kerala, Andhra Pradesh, West Bengal, Maharashtra, Manipur, Rajasthan and Chandigarh have trans welfare boards/ trans development boards.

The first state to implement welfare boards in India, was Tamil Nadu in 2008. They are called Aravani Welfare boards and ID cards are given only after a physical examination. The board doesn't include the needs of trans men in the State and for many years it remained inactive because the membership was not renewed due to which meetings were not conducted.

- In April 2016, Rajasthan constituted a trans welfare board.
- In August 2016, the welfare board in Manipur was constituted, but because of lack of budget allocation, it is not functioning.
- Kerala has formed a welfare board in Cochin and Trivandrum, in 2017, with the inclusion of trans men, but the schemes are yet to be accessed by the community as they are in the initial phases.
- In 2015, West Bengal constituted a trans development board with Manobi Bandhopadhyay [the first transgender principal of a college] as the vice chair person. However, it is not active.
- In 2017, Andhra Pradesh Hijra Transgender Welfare Board was constituted. The government has announced a pension scheme for trans people.
- Maharashtra formed a trans development board in 2014 but in 2017 there are only reports of an executive committee under the ministry of Women and Child Welfare being formed to activate functioning of Transgender Welfare Board.
- Chandigarh formed a trans welfare board in August 2017.

PENSIONS AND OTHER SCHEMES

Karnataka—In Oct 2013, the Karnataka government initiated the Mythri pension scheme for trans persons in the state. Trans people in the age group of 18 to 64 years will be entitled for a monthly pension of Rs. 500. Transgender people with annual income less than Rs. 12,000 per annum in rural areas and Rs. 17,000 per annum in urban areas will be eligible for the scheme.

Orissa—Trans people have been given BPL cards and schemes that provide free housing, 100 days of paid work annually, pensions and loans to start up their own businesses. They would also be entitled 5 kg of food grains every month under India's National Food Security Act.

Kerala—State Policy for transgender persons was announced in 2015. Pensions above the age of 60 was announced. Kochi Metro Rail Limited (KMRL) authorities came forward offering jobs to transgender persons in housekeeping, customer care and crowd management sections, however many have left the jobs because of lack of housing facilities and low salaries. University of Kerala has also announced a trans policy promising safeguards against ragging, discrimination, special facilities, awareness programmes and barrier free access to education.

In 2015, Tripura announced pension schemes of Rs. 500 for trans people in the state.

While some state governments have just initiated welfare schemes recently, others which have taken steps a few years back have still not shown a good track record of handing out benefits. The most recent attempt of the central government to introduce a legislation on trans rights is the Transgender Persons(Protection of Rights) Bill 2016.

TRANS RIGHTS

IN INDIA

MAPPING STATE WELFARE BOARDS

STATUS AS OF 11TH OCT, 2017

2017 CHANDIGARH

2016 RAJASTHAN

2015 WEST BENGAL

NOT ACTIVE

2015 BIHAR

KINNAR KALYAN BOARD

2016 MANIPUR

NOT FUNCTIONING

(LACK OF BUDGET

ALLOCATION)

2014 CHHATTISGARH

THIRD GENDER WELFARE BOARD

MAHARASHTRA 2014

ONLY REPORTS OF AN EXECUTIVE

COMMITTEE UNDER THE MINISTRY

OF WOMEN AND CHILD

WELFARE BEING FORMED TO

ACTIVATE FUNCTIONING OF

TRANSGENDER WELFARE BOARD

2017 ANDHRA PRADESH

KERALA 2017

SCHEMES ARE YET

TO BE ACCESSED BY

THE COMMUNITY AS

THEY ARE IN THE

INITIAL PHASES

2008 TAMIL NADU

FIRST STATE TO IMPLEMENT—

ARAVANI WELFARE BOARDS

DOESN'T INCLUDE THE

NEEDS OF TRANS MEN

SECTION 4 THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) BILL 2016

BACKGROUND

In December 2014, Tiruchi Siva, a Dravida Munnetra Kazhagam Rajya Sabha MP, introduced the Rights of Transgender Persons Bill, 2014 as a Private Member's Bill. Though it was passed unanimously in the Rajya Sabha, it was not introduced in Lok Sabha. In December 2015, the Ministry of Social Justice and Empowerment put up a draft of The Rights of Transgender Persons Bill, 2015 and sought comments from the public to be sent by January 2016.

In spite of recommendations being sent from trans led groups, the more draconian version of The Transgender Persons (Protection of Rights) Bill 2016, was introduced in the Lok Sabha on August 2, 2016. Again, trans led groups and legal advocacy groups sent recommendations and some groups deposed before the Parliamentary Standing Committee. On July 21st, 2017, The Standing Committee on Social Justice and Empowerment chaired by the BJP Member of Lok Sabha, Ramesh Bais, and composed of 17 Lok Sabha Members and 10 Rajya Sabha Members, presented its 43rd report on the TG Bill 2016.

KEY PROVISIONS AND ISSUES OF THE TRANSGENDER BILL, 2016

Definition of transgender persons

The ministry has pinned down the definition of transgender persons as –
(A) neither wholly female nor wholly male; or
(B) a combination of female or male; or
(C) neither female nor male.

THE BILL RELIES ON A DEFINITION OF TRANS PERSONS AS ONLY THIRD GENDER AND DOES NOT HOLD UP THE SUPREME COURT JUDGMENT GRANTING TRANS PERSONS THE RIGHT TO SELF IDENTIFY AS MALE, FEMALE OR THIRD GENDER.

Process of issuing gender identity certificates

A trans or intersex person would have to apply to the District Magistrate, who, on the recommendation of a district screening committee following a physical examination [constituted by the Chief Medical Officer, District Social Welfare Officer with 5 years experience working with trans communities/renowned person in the field of transgender welfare in that district, a Psychologist or Psychiatrist, a representative of transgender community and an officer of the appropriate Government to be nominated by that Government] will be certified **only as transgender**.

The latest exchange between the Ministry of Social Justice and Empowerment and the Ministry in the 43rd report on the TG bill 2016, indicates a physical examination as the process which is a violation of the Supreme Court judgment which granted the right to self identify gender irrespective of hormonal therapy or gender affirming surgeries.

Conflation of trans and intersex categories

The recommendation of the committee to rename the bill “The Transgender and Intersex Persons (Protection of Rights) Bill, 2016” was shot down by the Ministry which believes that “Transgender is an umbrella term which includes intersex persons also. Re-wording the title of the Bill would not serve any purpose“.

While some intersex persons might identify as transgender, there are differences and overlaps between these identities which have been conflated.

Retention of transgender/gender non conforming children with immediate family

The bill states that transgender children be allowed to stay only with natal families and that if the immediate family is unable to care for the child, on the order of a competent court, the child should be placed in a rehabilitation centre. The Bill doesn't recognise hijra families of adoption that a lot of young trans people rely on when they leave natal families due to violence.

- No clear employment opportunities or livelihood schemes have been spelt out.
- The educationally and socially backward classes categorisation made by the SC and the attendant affirmative actions in education and employment have not been included in the Bill.
- Criminalisation of begging- In the absence of other employment options, a criminalisation of begging would put vulnerable trans communities at a higher risk of police violence if begging is criminalised.

While in terms of policies, legislations and implementation, much remains to be done, there are many ways in which different stakeholders can advocate for the rights of trans persons in India.

SECTION 5
ADVOCACY
DIRECTIONS
FOR DIFFERENT
GROUPS

TRANS RIGHTS

IN INDIA

WHAT POLICY MAKERS CAN DO



TO EDUCATE THEMSELVES ON TRANS AND INTERSEX ISSUES AND TO ENSURE A PROGRESSIVE TRANS RIGHTS BILL IS DISCUSSED, PASSED AND IMPLEMENTED AT THE EARLIEST.



WHEN DRAFTING POLICIES, TO ENSURE A MORE PARTICIPATIVE AND DEMOCRATIC FRAMEWORK THAT WILL TAKEN INTO ACCOUNT THE ISSUES RAISED BY THE COMMUNITIES AFFECTED.



TO ENSURE IMPLEMENTATION OF SC JUDGMENT ON TRANS RIGHTS AND MONITORING AND EVALUATION OF VARIOUS SCHEMES FOR TRANS WELFARE ANNOUNCED IN VARIOUS STATES.



TO TAKE FOCUSED STEPS TO ENSURE EDUCATION AND EMPLOYMENT OPPORTUNITIES INCLUDING AFFIRMATIVE ACTION IS EXTENDED TO TRANS PEOPLE.



TRANS RIGHTS

IN INDIA

WHAT CITIZENS CAN DO



TO RAISE THEIR VOICES WHEN THEY SEE CRIMES LIKE RAPES AND MURDERS REPORTED AGAINST TRANS PEOPLE.



TO EDUCATE THEIR PEERS ABOUT TRANS PEOPLE SO AS TO DISPEL MYTHS, FEARS AND PREJUDICES IN THE GENERAL POPULATION.



TO PRESSURISE THE POLICE AND JUDICIAL SYSTEM TO PROVIDE JUSTICE TO TRANS PEOPLE WHO HAVE REPORTED VIOLENCE.



TO SUPPORT TRANS CHILDREN AND ADOLESCENTS IN SCHOOLS AND INTERVENE IF THEY FIND ANY CHILDREN BEING VIOLATED BY THEIR NATAL FAMILIES.



TRANS RIGHTS

IN INDIA

WHAT ACTIVISTS CAN DO



TO INCLUDE GENDER JUSTICE AS A CORE PART OF THEIR WORK AND GOALS.



TO ENSURE THAT ALL ACTIVIST SPACES ARE TRANS FRIENDLY AND THAT TRANS PERSONS ARE GIVEN THE RIGHT TO SPEAK AND TO BE HEARD IN WAYS THAT ARE NOT TOKENISED.



TO JOIN CALLS TO ACTION BY TRANS LED ACTIVIST GROUPS IN CASE OF PROTESTS, DEMANDS BEING PUSHED BY THEM.



TO HELP WITH LEGAL CASES BY PROVIDING PRO BONO SUPPORT TO TRANS COMMUNITIES THAT STRUGGLE WITH NO ACCESS TO THE JUDICIAL SYSTEM



TRANS RIGHTS

IN INDIA

WHAT ORGANISATIONS CAN DO



TO PROVIDE EMPLOYMENT TO TRANS PEOPLE AND ENSURE A NON-DISCRIMINATORY WORK SPACE WITH A STRONG GRIEVANCE REDRESSAL SYSTEMS.



COLLABORATE WITH TRANS LED GROUPS TO STRENGTHEN ADVOCACY EFFORTS.



DOCUMENT ISSUES RELATED TO LGBTI RIGHTS FOR UNIVERSAL PERIODIC REVIEW AND OTHER INTERNATIONAL MONITORING MECHANISMS.



TO CONDUCT LEGAL AWARENESS AND SENSITISATION WORKSHOPS FOR LAW ENFORCEMENT AUTHORITIES LIKE THE POLICE FORCE.



GLOSSARY

Intersex- Intersex persons are those individuals who have atypical sex characteristics [anatomical, chromosomal, hormonal etc.] that do not conform to the social, legal and medical categories of being either male or female. Intersex people may or may not be transgender.

Transgender- An umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they were assigned at birth.

Cisgender- A term used by some to describe people who are not transgender. “Cis-” is a Latin prefix meaning “on the same side as,” and is therefore an antonym of “trans-.” A more widely understood way to describe people who are not transgender is simply to say non-transgender people.

Gender Non-Conforming-A term used to describe some people whose gender expression is different from conventional expectations of masculinity and femininity. Please note that not all gender non-conforming people identify as transgender; nor are all transgender people gender non-conforming. Many people have gender expressions that are not entirely conventional – that fact alone does not make them transgender. Many transgender men and women have gender expressions that are conventionally masculine or feminine. Simply being transgender does not make someone gender non-conforming.

More available at <https://www.glaad.org/reference/transgender>



   / [theypfoundation](https://www.theypfoundation.org)

The YP foundation is a youth development organisation that builds young people's feminist and rights based leadership on issues of gender, sexuality, health, education and civic participation. We work to ensure young people's access to information, services and rights and builds their abilities to lead personal and social transformation. You can learn more about our work at [theypfoundation.org](https://www.theypfoundation.org)

Research and Writing: Gee Imaan Semmalar Illustration and Design: Kruttika Susarla
Editing and Review: L. Ramakrishnan, Manak Matiyani, Pramada Menon

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