



POLICY INITIATIVES TAKEN FOR THE UPLIFTMENT OF TRANSGENDERS IN INDIA WITH SPECIAL REFERENCE TO KARNATAKA

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ABSTRACT

Transgender rights legislation in India has changed dramatically in the recent decade. Progressive legislation has been pioneered in Karnataka. This research examines progressive federal and state policies supporting transgender persons, notably in Karnataka, India. The Transgender Persons (Protection of Rights) Act, 2019 has established transgender rights nationwide by banning discrimination in healthcare, education, and employment and assuring equal opportunity. However, the 2017 Karnataka State Policy on Transgenders has advanced transgender inclusion in housing, healthcare, schools, and employment. Karnataka was the first Indian state to set a one percent quota for transgender individuals in public sector jobs in 2021, a notable accomplishment. Transgender persons in Karnataka have gained economic freedom, legal protections, and access to essential services because to these rules. It also discusses the challenges of implementing these concepts and the necessity for public and government knowledge. The study emphasises the revolutionary potential of inclusive policies and the necessity for continued government aid for transgender individuals and other marginalized communities in Karnataka and India.

Keywords: Karnataka, Transgenders, Policy, India

INTRODUCTION

The Constitution of India recognizes and guarantees fundamental rights to every individual in the country. These rights include the prohibition of discrimination on the basis of gender, equality in public employment, freedom of expression and movement, and equality before the law. In many aspects of society, individuals who do not identify with a certain gender are subjected to institutionalized forms of discrimination, violence, and intolerance. In a decision that was made public on April 15, 2014, the highest court in India accepted transgender individuals as a different gender from the two binary systems that were previously in place. The fact that the third gender had access to fundamental rights in the same way as men and women did received recognition. In addition, as far as civil and criminal legislation is concerned, it is discriminatory against the third gender. This includes laws that apply to adoption, divorce, marriage, and the non-recognition of the third gender. According to a decision handed down by the Supreme Court, individuals have the right to be free from being persecuted on the basis of their gender or sexual orientation. Consequently, the government of Karnataka has to formulate a policy that would provide assistance to transgender individuals. This policy should meet the requirements of transgender persons in the following areas: healthcare, education, employment, housing, and protection from abuse and harassment.

For the purpose of resolving their challenges and integrating them into mainstream society, it is vital to adopt an inclusive approach in all aspects of life. The establishment of policies, programs, and schemes for the transgender community need to be a top priority for the whole government of Karnataka. There has been some intelligent action taken, but there is a great deal more that has to be done in a systematic manner in order to assist the transgender population, change the attitudes of people, and establish governmental structures and procedures that are sensitive, responsive, and responsible. Fear, shame, gender dysphoria, social marginalization, despair, suicidal thoughts, societal stigma, and requests for sex reassignment surgery are only few of the many obstacles that transgender individuals face. There are also many more challenges that transgender people face. These concerns need a substantial amount of attention. In order for members of the transgender community to have the experience of being "invited and welcomed" in public settings, appropriate accommodations need to be made. There has to be a change in views towards transgender individuals and their health care. This change should include the provision of basic treatments and upgrades to hospital facilities. Additionally, there should be more favorable portrayals of transgender persons in educational materials and the media.

It is necessary to develop a variety of social welfare programs in order to facilitate their development and integration into communities. It is of the utmost importance that the general public be taught about the transgender community in order to provide transgender individuals with the opportunity to experience a sense of safety, acceptance, and worth in their families, neighborhoods, schools, and the greater society. They need to be referred to as "transgender" rather than being thought to be of a third gender. Individuals who are intersex, transgender individuals who transition from female to male, and transgender people who transition from male to female are all covered in the policy's area of coverage. At a later time, orders from the government will be issued in order to create the categories. Individuals who identify as transgender have been increasingly vocal and involved in political and social movements throughout the course of the last twenty years. As a consequence of this, they have started to make more frequent use of state resources and have broken down some of the traditional borders. There has been a rise in the number of individuals who are discussing and acknowledging the violations of human rights that transgender persons face, as well as the gender diversity that exists on a worldwide basis. Due to the fact that transgender individuals are increasingly being recognised and recognised, the topic of how state and non-state enterprises could include them into their operations has become pertinent.

OBJECTIVES

1. To analyze the Indian government's important transgender socio-economic policies, with an emphasis on Karnataka.
2. To determine how Karnataka's state-specific policies improve transgender people's quality of life, healthcare, education, and employment.

APPROACH OF THE POLICY

In addition to providing instructions for the implementation of the Supreme Court Judgement (2014) for the inclusion of transgender people as full citizens, the policy is intended to give recommendations for ensuring that the constitutional protections of transgender people are met both individually and collectively across the board. The strategy is gradual, has a definite timescale, and produces outcomes that can be measured. One of the goals of the policy is to ensure that the constitutional guarantees of dignity, non-

discrimination, equal access, and restitution are adhered to. Determine which governmental entities and departments are accountable for the execution of those measures. Please define the systems of accountability. To accomplish this, it is necessary to develop systems for accountability and execution, as well as measures for empowerment, redress, and sustainability.

Empowerment measures

Allow individuals to self-identify as male, female, or transgender. The Constitution guarantees transgender individuals the right to be free from gender-based discrimination, equal access to public facilities and services, and free expression. Make sure all arms of government treat transgender individuals with respect and decency in all areas of legislation and eliminate physical obstacles to parks and transit. Focus on the transgender community's aspirations in Karnataka, regardless of age or geography, to help them live with respect and acceptance.

Enabling measures

Determine the amount of money required to implement the policy and set it aside and distribute it according to the state government's financial and administrative planning timetable. Provide transgender persons with social, legal, and institutional protections, healthcare, education (including anganwadis and schools), housing, and water and sanitation. Set implementation standards and a compliance system. Monitor all relevant government entities to ensure transgender persons enjoy access to public transit, parks, and other public venues without legal discrimination. Ask public and private banks, insurance companies, and housing authorities to emphasize transgender inclusion and establish objectives with specific indications within a given timeframe. Transgender initiatives to improve socioeconomic status and livelihoods must be properly implemented and monitored. It's crucial to educate parents, teachers, students, doctors, and police to guarantee they're treated with respect and free from bias.

Remedial measures

Transgender education is needed in public and private sector employment and workplaces. Employers must implement and enforce anti-discrimination policies when hiring, promoting, and rewarding workers. Transgender persons should be included in workplace sexual harassment policies. Additional measures to address the issue include: Educational institutions are favored for all stages of admission. Transgender persons should not be treated differently in schools, jobs, housing, or public areas. Family awareness should be promoted by schools, child rights organizations, and networks. Inform parents on supporting their transgender children and giving them equal opportunity. Corrective surgery at birth is medically and socially advised against. Forced rehab is wrong. Collaboration is needed. Transgender children need safe homes. Foster homes, adoption agencies, orphanages, and short-stay homes should be sensitive to gender-nonconforming youngsters. Apart from the pension, old age shelter buildings are needed. The media should not denigrate transgender people.

Sustainability measures

Scholarships and other healthcare, social, and education initiatives. Get support to enhance your skills so you can get a job and live a respectable life. Merging departmental strategies may assist the transgender population. Anganwadi educators and other village health advocates, including as ASHAs (Accredited

Social Health Advocates), may be educated to identify families within their communities that require counseling. Involving the National Health Mission in village-level monitoring and execution will strengthen outreach. Restructure rules and structures to help disadvantaged community members access social protection services.

IMPLEMENTATION MECHANISM

The implementation method helps transgender persons exercise their constitutional rights.

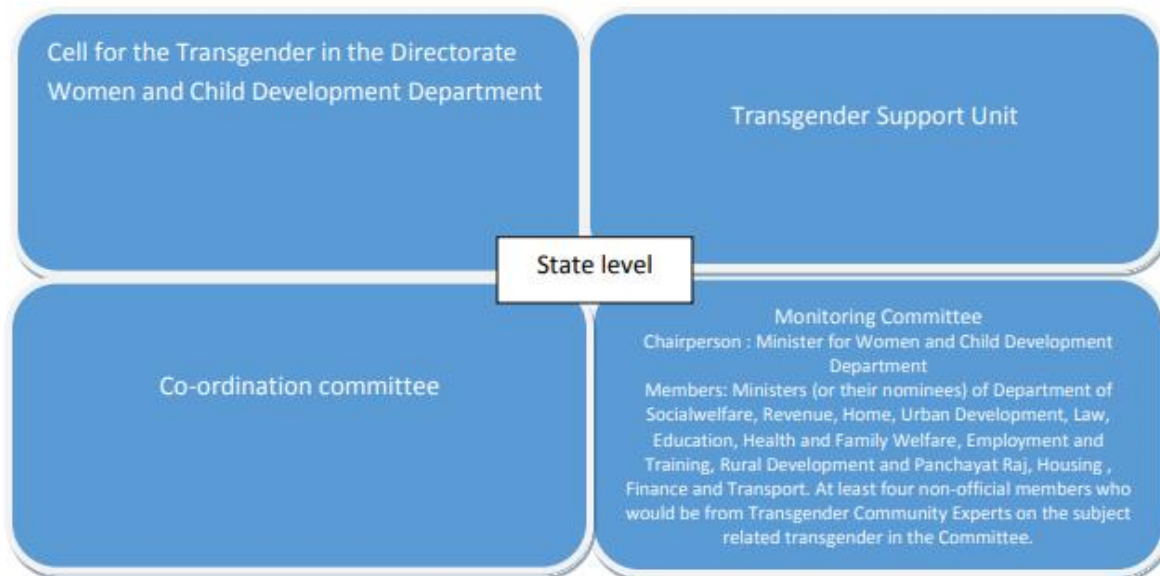


Figure 1. Karnataka Transgender Policy Implementation Mechanism

The Directorate of Women and Child Development Department's transgender cell officer received frequent program success reports from the Child Development Project Officer via the district's Deputy Director.

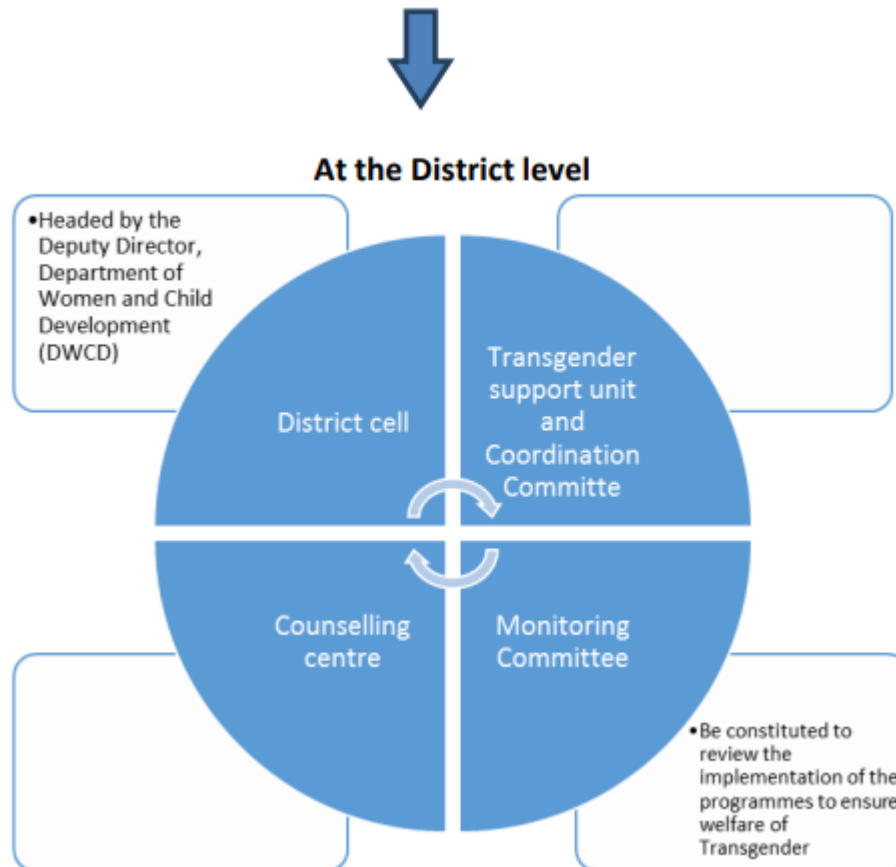


Figure 2. Transgender NGOs/CBOs in that district provided feedback.

Administrative Set-up

The Department of Women and Child Development will establish a Transgender Cell to ensure transgender persons may live decently and integrate into society. The WCD Principal Secretary will oversee and ensure policy implementation. Along with providing funding and designing a policy implementation strategy, the chief nodal officer oversees yearly planning. This will ensure the plan is executed on time and meets the state government's fiscal and administrative planning deadline. State Transgender Support Units may be such organizations. A Coordination Committee would also be formed. Department of Women and Child Development (DWCD) Deputy Director would develop and monitor district initiatives. They would also consult local transgender NGOs and CBOs. The first three years of policy implementation will likely be busy. With Nodal officers as "single point of contact," modifications may be organized and executed promptly, administration orientated, and a robust delivery and evaluation system built. Occasionally, the Child Development Project Officer would notify the transgender cell officer on program progress via the district's deputy director. A district-level Transgender Support Unit would exist.

Functions of the Cell for Transgenders

The Cell would launch welfare programs for transgender people, collect government funding and distribute it to approved projects, provide transgender people with identification cards, and raise public awareness through publicity campaigns and mass media. The current method should be preserved so transgender

persons may join the society and receive assistance. The district's CDPO must get the proper documents to acknowledge a transgender person. This document requires a self-declaration affidavit. To issue ID cards, the taluk CDPO, medical officer, and tahsildar will form a committee. Tahsildars issue ID cards. All government organizations must accept issued IDs to update gender to ration cards, passports, birth certificates, Aadhaar cards, bank accounts, monthly bus tickets, driver's licenses, etc. Authorities will be ordered to accept ID cards for official documents.

Counseling Centres

Combating transgender people's violence, discrimination, and stigma - Awareness and sensitivity are needed to assist parents accept and raise transgender children. Parents and children must get mental health therapy to confirm gender identity. Counseling also helps violence and abuse victims cope. Transgender persons throughout the state will get the same therapy as women and children abused. Parents of gender non-conforming teenagers may also access information from self-help groups, health experts, Anganwadi workers, and transgender-trained district protection officers. We encourage all schools and colleges to establish anti-discrimination departments to monitor non-binary student harassment and discrimination.

IDENTIFICATION AND CERTIFICATION

Identification and certification are required to get insurance benefits and be identified as transgender. This policy must provide an inclusive and helpful certification process for applicants. It should be accessible and simple for the community to utilize to avoid misuse. Degrading words is inappropriate. The community should feel welcome and quickly access the district-level coordination cell, which certifies. Community leaders and member NGOs will help the committee improve identification efficiency, transparency, and application access.

Steps towards Certification

The Deputy Director of Women and Child Development or any district-level transgender cell NGOs may accept completed applications. Every three months, the coordination committee must review all applications. Each proposal must be approved by two government officials and two community representatives from the four cell members. The application should contain a district hospital mental health examination. If the cell organised camps to promote the certification process for benefits from the start, more community members may benefit sooner. After prison certification, they will get a card to update their identities, certificates, and report cards. AADHAAR, passport, ration card, pan card, insurance papers, and high school or college diploma should be provided. The certificate-issuing process should be open and take three months max. Denying or failing to comply must be recorded in writing and made available to the application and coordinating cell.

ACCOUNTABILITY AND REVIEW MECHANISMS

A Monitoring Committee would monitor transgender assistance services. The Minister for Women and Child Development would head the Committee. Official members would be ministers or nominees from Social Welfare, Rural Development and Panchayat Raj, Finance, Home, Urban Development, Law, Education, Health and Family Welfare, Employment and Training, and Transportation. Non-official members would include at least four transgender people. Authorities on transgender issues would also be

on the Committee. Some laws must be changed to accommodate transgender persons. Domestic Violence Act, Juvenile Justice Act, etc. Programs for transgender persons will soon be available in healthcare, education, housing, skill development, social assistance, etc. Audits must include and monitor qualitative and quantitative data. Management information system (MIS) will be created. The basic forms will allow each department to track resource allocation, schemes, applications, replies, response time, beneficiaries, and redressal processes. A benchmark assessment of the state's transgender population using a few key development indicators would assist formulate policies and goals for tiny but visible changes. More accurate impact monitoring and assessment would result.

TIMELINE

Implementation

The implementation and review schedules represent the combined technique of dramatic and gradual strategy changes. Some changes may be made immediately, while others need preparation. That is the only method to ensure compliance at every level and implement this approach throughout all government departments in five years. Social transformation is feasible during that period. Each of the 30 districts may designate a Nodal Officer for three years or until the system is changed to execute the Karnataka State Transgender Policy. Nodal Officers will oversee and ensure policy implementation at the state level, including the Women and Child Development Department Director.

1. Phase 1- First 12 months

From the very beginning of the policy, primary healthcare, education, and the use of public places and resources must be mandated.

In 6 Months: All KAS and IAS officials will undergo an orientation. Colleges, universities, hospitals, B.Ed. programs, NCERT, and administrative schools should all be included in the process of creating a curriculum that will educate, enlighten, and sensitise everyone involved.

In 12 Months: All panchayat leaders would be trained by the State Institute of Rural Development first. The Judicial Academy and Police Training Academy will train state police and judges. As part of their orientation and induction, public and private sector employees and trainees should undergo a transgender rights and state policy training.

2. Phase 2- Month 13- 30

Harmonize existing laws: Some policies and laws conflict with the Indian Constitution and Supreme Court transgender judgment. If required, change legislation that might hinder the transgender policy. Colleges and high schools will get new curriculum. Provide free excellent public elementary and secondary education to all students. Higher education admissions preferences and quotas in medical, nursing, design, planning, and management; vocational training; and IT. To help transgender students, establish district, cluster, or state-level dorms. If more counseling and coaching establishments assist transgender kids prepare for competitive exams leading to professional opportunities, the community, schools, the Indian Administrative Service (IAS), and the University Grants Commission (UGC) may benefit. Help folks make a living and regain their livelihood options using a credit approach.

3. Final Phase of roll out – 31-36 month

The policy's execution, including key takeaways and recommendations for improvement, will be reviewed and updated.

Reporting and review

Rollout- 0-90 days: Within three months, we need to gather input from all of Karnataka's districts through a baseline community survey and present the results in consultations. This will help shape the final policy and give us a better idea of the kind of changes we can hope to see.

91-180 days: Within the following three months, the state government will adopt and execute the policy across all of its ministries after it has finalized and approved the policy and established a coordinating structure to back it up.

Monthly- Beginning in the sixth month, the relevant departments are required to report monthly and evaluate every three months to the central monitoring unit. With the goals of openness, facilitation of coordination and communication, and monthly updates, the reports are posted on the official government website.

Half yearly- All relevant government departments, implementing agencies, non-governmental organisation (NGO) partners, and community representatives get together in person once every six months for a meeting.

Annual- The Director, Women and Child Development Department publishes a monitoring and review report on the policy's execution every January. This report helps with the planning and allocation of resources for the next fiscal year.

LAWS AND LEGAL SUPPORT

As the Legal Aid Authority assists other marginalized groups seek legal remedies, it will also support transgender persons facing problems or harassment without prejudice. Transgender persons will learn their legal rights. The judiciary and police must be more aware of transgender issues and take steps like Rewrite domestic abuse, sexual harassment, and assault laws to prioritize transgender persons. Section 375 of the Indian Penal Code no longer protects transgender sexual assault victims. Rewrite it to eliminate gender discrimination against victims. The Juvenile Justice Act must be updated to include transgender juvenile concerns. Transgender people experience increased workplace discrimination, thus anti-discrimination laws should extend to all firms. Current cutoff is 100 workers. The number of enterprises required to obey this rule decreases. Section 377 will be opposed in public. Take action against medical practitioners who use electroshock or other unethical conversion treatments and biological and adoptive families who abandon or abuse gender-nonconforming children. Track and collect statistics on transgender offences at all police stations. vii. Provide free legal counsel to transgender persons fighting assault and discrimination.

Schemes that generate jobs and income

Startup funding for small businesses Give TGs the chance to study jewellery, tailoring, beauty treatment, art, etc. ITIs and polytechnics must provide five TG seats. Because of this, individuals could find better

jobs, empowering them economically. Develop solid relationships with public and private vocational training institutions and tailor transgender training programs to their needs. NGOs teach TG SHG formation and management at the government's cost. NRLM and NULM should be expanded to accommodate transgender persons, as should Udyogini. A career advice and online placement hotline is needed. Transgender people need entrepreneurial and capacity-building help now. Transgender persons need also register with the state's job exchange. Economic activities need unrestricted financing and other support.

Schemes for Education

In the same way as students from OBCs are often awarded scholarships, gender non-conforming students will also be eligible to receive educational funding. Transgender students will have full access to public higher education. It is important to ensure that transgender students have access to hostel amenities. Maybe transgender kids should be able to use the restrooms designated for either sex. The government need to subsidize transgender students' educational expenses by waiving their tuition, providing free textbooks, and arranging for free dorm rooms. If the transgender community wants their educational circumstances to improve, the RTE Act's requirements must be met.

Schemes for Health care

All state health insurance schemes, including Rashtriya Swasthya Bima Yojana, should include transgender persons. The Yeshaswini scheme benefits SHGs and transgender communities. We should provide transgender people health insurance. Some government institutions provide financial compensation for sex reassignment surgery. All hospitals will get directions from the Health and Family Welfare Department to guarantee that patients may receive treatment without prejudice. Transgender people would get post-operative treatment, support, and gender transition options. Transgender patients may register and be admitted to any public hospital, and medical personnel will be trained and more sympathetic to their requirements. Transgender persons have several sexual health issues, hence HIV sero-surveillance clinics will be conducted separately.

Reservation

A drafting committee drew a one percent quota for transgender people in Karnataka's educational and professional institutions in 2017. The regulation took effect on July 21, 2021, making Karnataka the first Indian state to allocate 1% of government services to transgender people. The government told the High Court in a report that a notice was issued following the Karnataka Civil Service modifications. If transgender applications are unavailable, same-gender applicants may be hired. In the lack of a community certificate, the Tamil Nadu BCC Department ordered transgender people to be Other Backward Class caste members on April 6, 2015. In June 2024, the Madras High Court overturned the GO and ordered Tamil Nadu to create 1% horizontal reservations for transgender individuals in education and work. The court ruled that the GO violated Indian Constitution articles 14, 15, 16, 19, and 21 and National Legal Services Authority v. Union of India. Calcutta High Court ordered West Bengal to create a 1% public employment quota in June 2024.

CONCLUSION

There has been significant advancement in the resolution of the social, economic, and legal challenges that have been faced by the transgender population in India, notably in the state of Karnataka, as a consequence of the efforts that the government has made to empower the transgender community. After the enactment of the Transgender Persons (Protection of Rights) Act, 2019, transgender individuals have made significant progress towards achieving national equality. This act ensures that transgender persons have equal access to a variety of fundamental rights, including healthcare, education, and employment opportunities. The Indian state of Karnataka has gone above and above by creating welfare boards, reserving some posts for transgender individuals, and adopting social security laws that are tailored to meet the specific requirements of this population. Despite the efforts that have been made, there are still issues that arise about the deep-seated discrimination and stigma that transgender persons face, as well as difficulties in successfully implementing rules. There is a need for increased public understanding, attempts to raise awareness, and legislation that is inclusive in order to address the specific obstacles that the transgender population is confronted with. These challenges include concerns pertaining to mental health, access to justice, and social inclusion. Transgender individuals in India have achieved substantial progress owing to legal frameworks; nonetheless, they still face enormous hurdles before they can fully enjoy their rights and become fully integrated members of society. Despite these advancements, they continue to confront significant challenges. Karnataka's leadership in executing state-level measures should be taken into consideration by future states; but, in order to achieve success over the long run, more reforms and targeted interventions are necessary.

REFERENCES

- [1] Soren, Chunuram (May 2022). "RESERVATION IN INDIA: RHETORIC AND REALITY". *International Journal of Advanced Research*. 10 (5).
- [2] "Reservation Is About Adequate Representation, Not Poverty Eradication". *The Wire*. Retrieved 19 December 2020.
- [3] Rajagopal, Krishnadas (11 June 2020). "Right to reservation is not a fundamental right, observes SC judge as parties withdraw plea for quota". *The Hindu*. ISSN 0971-751X. Retrieved 19 December 2020.
- [4] "Reservation as a political imperative". *Frontline*. 27 August 2020.
- [5] Jump up to:a b Laskar, Mehbubul Hassan. "Rethinking Reservation in Higher EDUCATION in India" (PDF). *ILI Law Review*. pp. 29–30. Archived from the original (PDF) on 25 April 2012.
- [6] Ghadyalpatil, Abhiram (10 August 2018). "Rajarshi Shahu Chhatrapati of Kolhapur, a reformer ahead of his time". *mint*. Retrieved 2 October 2021.
- [7] "Reserved uncertainty or deserved certainty? Reservation debate back in Mysuru". *The New Indian Express*. 17 February 2020. Retrieved 21 November 2021.
- [8] Boris, E.; Janssens, A. (1999). *Complicating Categories: Gender, Class, Race and Ethnicity*. *International Review of Social History Supplements*. Cambridge University Press. p. 59. ISBN 978-0-521-78641-6.
- [9] Kandasamy, W.B.V. (2009). *Reservation for Other Backward Classes in Indian Central Government Institutions Like IITs, IIMs and AIIMS – A Study of the Role of Media Fuzzy Super FRM Models: A Study of the Role of Media Using Fuzzy Super Frm Models*. *Editura CuArt*. p. 212. ISBN 978-1-59973-092-9.
- [10] "69 percent quota: Advantage TN". *The New Indian Express*. 14 July 2010.

- [11] Menon, V. P. (1957). *Transfer of Power in India* (Reprinted ed.). Orient Blackswan. pp. 49–50. ISBN 978-81-250-0884-2.
- [12] Yamamoto, T.; Ueda, T. (2018). *Law and Democracy in Contemporary India: Constitution, Contact Zone, and Performing Rights*. Human Rights Interventions. Springer International Publishing. p. 33. ISBN 978-3-319-95837-8. Retrieved 7 September 2024.
- [13] "Human Development Report 2016" (PDF). UNDP. p. 119. Retrieved 21 March 2017.
- [14] Passin, Herbert (October 1955). "Untouchability in the Far East". *Monumenta Nipponica*. 11 (3): 247–267. doi:10.2307/2382914. JSTOR 2382914.
- [15] "Educational Safeguards". Department of Education. Government of India. Archived from the original on 19 June 2009. Retrieved 27 November 2011.
- [16] Jump up to:a b Bhattacharya, Amit (8 April 2006). "Who are the OBCs?". *The Times of India*. Archived from the original on 27 June 2006. Retrieved 19 April 2006.
- [17] Ramaiah, A. (6 June 1992). "Identifying Other Backward Classes" (PDF). *Economic and Political Weekly*. pp. 1203–1207. Archived from the original (PDF) on 30 December 2005. Retrieved 27 May 2006.
- [18] "Implementation of Recommendations of Mandal Commission". Parliament of India. Retrieved 4 November 2011.