

**EQUATIONS SUBMISSION TO MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
ON 'THE RIGHTS OF TRANSGENDER PERSONS BILL, 2015'**

Clause	Comments	Suggestion
Chapter -1 PRELIMINARY		
<p>No 2 (q) 'services' means services provided by members of any profession or trade, or provided by any Government, local authority or establishment and includes services relating to banking and finance; education; health; insurance; rehabilitation; entertainment recreation and hospitality; transport or travel; and telecommunications;</p>	<p>Transgender persons participation in tourism is not only as a tourist they are also present for there livelihood,</p> <p>Anonymity of the tourist is one aspect of tourism which allows for relaxation of social norms to the tourist and this is one of the links between tourism and the livelihood needs of the queer community. For e.g. indulging in activities such as drinking and abusing narcotic substances, deriving sexual pleasure outside of marriage and seeking sexual pleasure at tourism sites or fulfilling sexual whims and fantasies do not fall under the prescribed social norms and are , thereby, not respected in real lives. This attracts sexuality minority community in large numbers to tourism destinations to earn their livelihood. Apart from sex work, begging and dancing are other main sources of livelihood.</p> <p>Thus the tourism industry reinforces stereotypical images of transgender communities and does not offer any other livelihood options.</p>	<p>It is important that tourism as a site for discrimination and exploitation is acknowledged. Therefore, we propose that tourism is added to the list as below:</p> <p>To add: entertainment recreation, Tourism and hospitality; transport or travel; and telecommunications.</p>
Chapter III RIGHTS AND ENTITLEMENTS		
<p>No- 6 (2) (2) The appropriate Government shall take all</p>	<p>Transgender communities migrate and visit tourism destinations for their livelihood</p>	<p>To add: During tourism season, safe and free</p>

<p>necessary steps to ensure reasonable accommodation for the transgender persons.</p>	<p>opportunity as tourism play a major role in their life as it offers options for livelihood. Yet, there is a lack in accessibility of services from the tourism sector.</p> <p>Most hotels / lodges are not accessible to transgender communities to stay at. The fear of losing their business has its roots in social acceptance of people with different sexual identities and not merely because they may be disturbing other visitors or misusing the rooms. There is no such restriction on other visitors. Though the visitors are asked to provide ID proof but the purpose of their visit still remains unknown. While it is known that illegal activities are taking place in most hotels, especially in tourism places. This actually forces community members to spend their days in public spaces like bus stops, railway stations, streets, parks, etc. where they are seen generally as a sex worker or as a thief, making them vulnerable to further abuse.</p>	<p>accommodation facility, food and jobs are their main requirements as many transgender people visiting the sites are forced to stay on roadside, parks, temple or share a friend's place. To meet these demands, tourism has potential to meet few of their immediate requirements if not all.</p> <p>To add: Sensitisation of the accommodation units in tourism destination regarding transgenderism. The state tourism department run accommodation units have specific provisions to accommodate transgender people involved in tourism, if need be.</p>
<p>No 9 (2) The appropriate Government and local authorities shall take appropriate measures to ensure full enjoyment of the right mentioned in sub-section (1) of section 7 by:— (a) ensuring that Transgender Persons have access to a range of in-house, residential and other community support services, including assistance necessary to support living and inclusion with community; and (b) making community services and facilities</p>	<p>Tourism creates many employment opportunities. Transgender community have to be given equal opportunity to be employed in providing the various services that are part of tourism and hospitality sector. To ensure equality in employment the government needs to enforce compulsory reservation of jobs for the transgender community in the tourism sector.</p>	<p>The government will ensure reservation of jobs for the transgender persons in all sectors of employment. They need to be empowered and uplifted by facilities for vocational training and develop schemes to upgrade their earnings and status in society so as to promote their acceptability in society.</p>

<p>for the general population available on an equal basis to Transgender Persons.</p>		
<p>No. 12. (1) The appropriate Government and local authorities shall take all appropriate administrative, social , educational and other measures to protect Transgender Persons, both within and outside the home, from all forms of abuse, violence and exploitation.</p>	<p>The violence and abuse faced by transgender persons in tourism destinations is as heinous as reported on a daily basis in other places. The additional burden that is faced in the tourism context, is the need to appease the tourist to ensure that there is no negative publicity about the place, else it will loose out as a destination. The already antagonistic and hostile police, are more so and are willing to take action based on a complaint and without any investigation.</p> <p>Therefore, sensitisation of state agencies and specific protection mechanisms, similar to and stronger than the Code of Conduct for Safe and Honourable Tourism, implemented by the Ministry of Tourism, should be put in place.</p>	<p>To add: One of the measures that will be undertaken is stringent and binding mechanisms for the protection of transgender people in tourism destinations.</p>
<p>(2) Any police officer who receives a complaint or otherwise comes to know of abuse, violence or exploitation towards any Transgender Person shall inform the aggrieved person of:</p>	<p>As pointed out above, the police play a proactive role in further abusing transgender people in tourism destinations, to ensure that the 'credibility' of the destinations is not harmed. This makes it imperative that there be specific interventions with the police in tourism destinations.</p>	<p>To add: Police personnel should be sensitised about transgender people, their situations and the law. In addition, those police stations in tourism destinations should also be made aware of the specific issues of transgender communities in tourism and support sought.</p>
<p>Chapter - V SKILL DEVELOPMENT AND EMPLOYMENT</p>		
<p>No. 17. (1) The appropriate Government shall formulate schemes and programmes to facilitate and support employment of Transgender Persons</p>	<p>Often transgender people at tourism destinations are familiar with the place because they have been part of the industry for several years. In the case of cultural tourism, they are often important</p>	<p>To add: Specific Schemes /Programmes for Development of transgender communities under the Ministry of Tourism and State</p>

<p>especially for their vocational training and self-employment.</p>	<p>stakeholders playing a role in the rituals. Transgender people therefore have in-depth knowledge about the destination and are very suited to work as guides.</p> <p>Hotel and catering, travel and tour operation are other areas of work where transgender people can find meaningful employment. Some transgender people are currently involved in this areas of tourism but only until they don't reveal there identities. Once revealed they are removed from the job.</p> <p>Awareness building within the tourism industry and reservations within the government enterprises will go a long way in ensuring that sex work and begging are not the only 2 primary livelihood options for transgender people in tourism destinations.</p>	<p>Tourism Departments to facilitate their accessing of the schemes be enabled. Guideing, tourist facilitation, hotel and catering management, travel and tour operation could be some of the areas where transgender people could find meaningful employment.</p> <p>Further, transgender communities in tourism destinations will be made aware of these schemes through hoarding and posters so that transgender people can benefit from them.</p>
<p>No. 18. (1) No establishment shall discriminate against any Transgender Person in any matter relating to employment including but not limited to recruitment, promotion and other related issues.</p>		<p>To add: Tourism establishments should also be considered within this.</p>
<p>Chapter – VI SOCIAL, SECURITY, HEALTH, REHABILITATION AND RECREATION</p>		
<p>No 19 (2) (d) Assistance for Skill Development training to Transgender Persons. (e) Facilities for Transgender Children who have no families or have been abandoned, or</p>	<p>Intolerant attitude of the society towards transgender people has implications on their safe access to public spaces like work place, parks, hospitals, hotels, lodges and eating joints, malls, travel, drinking water and toilet, in tourism</p>	<p>To add: The Ministry of Social Justice and Welfare will work with the Ministry of Tourism to ensure that transgender people in tourism destinations also gain the benefit of</p>

<p>are without shelter or livelihood; (f) access to safe drinking water and appropriate and accessible sanitation facilities especially in urban slums and rural areas. (g) safe and hygienic community centres with decent living conditions in terms of nutritious food, sanitation, health care and counselling;</p>	<p>destinations. They find it difficult even to meet their friends and come with their friends to the tourism destination because of lack of access to proper accommodation, eateries and public toilets. This exposes them to abuses and health risks.</p>	<p>schemes/ policies formulated under Section No. 19 (2)</p>
<p>No. 22. The appropriate Government and local authorities shall take suitable measures to promote and protect the right of all Transgender persons to have a cultural life and to participate in leisure and recreational activities on an equal basis with others.</p>	<p>What is written in the draft Bill, is one aspect on transgender people and culture, which is valid and to be retained. In addition we suggest the following: In some religious tourism sites, transgender people play a role in the rituals or are sought for blessings by the pilgrims. However, in these same places, outside the religious context, transgender people are abused and violated. While the mysticism of transgender people leads to a notional respect in one context, as soon as the context is removed, they are seen in the same stigmatised manner as in the rest of society. Therefore, a more nuanced understanding and approach to cultural aspects in the life of transgender people is needed.</p>	<p>To add: Access to spaces in religious tourism destinations by transgender persons to have a cultural life and to participate in leisure and recreational activities on an equal basis with others. Transgender people have a unique role in different cultural contexts, which needs to be acknowledged and protected. However, these same cultural contexts should not become abusive of transgender persons. While upholding dignified cultural practices, any forms of abuse in the guise of culture will be penalised.</p>
<p>CHAPTER VII DUTIES AND RESPONSIBILITIES OF APPROPRIATE GOVERNMENT</p>		
<p>No. 25. (1) The appropriate Government shall conduct, sponsor, encourage, support or promote on a</p>	<p>Awareness raising among the tourism sector is also important because transgender people also form part of the tourism industry, where they</p>	<p>To add: The Ministry of Social Justice and Welfare will work with the Ministry of Tourism to run a</p>

<p>regular and continuous basis information campaigns and sensitization programmes to ensure that the rights recognized in this legislation are respected, protected and promoted.</p>	<p>are highly stigmatised, abused, violated and discriminated against.</p>	<p>campaign on sensitising and awareness building on transgender issues so as to ensured that their rights are respected, protected and promoted.</p>
		<p>To add: A Scheduled list of Ministries and Departments of Central and State Governments be identified with whom the Ministry of Social Justice and Welfare coordinate the activities of all who are dealing with matters concerning transgender persons</p>