

**EQUATIONS SUBMISSION TO DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
ON 'STATE POLICY FOR TRANSGENDER IN KARNATAKA, 2014' (Draft)**

Clause	Comments	Suggestion
<u>1. Preamble</u>		
<p>The Hon'ble Supreme Court vide judgement dated 15th April, 2014 has recognized transgenders a the third gender apart from the existing binary genders for the purpose of safeguarding their constitutional rights as well as the right to self-identify as male, female or third gender. The judgement has also directed the Centre and State Governments to grant legal recognition of their gender identity, to treat them as socially and educationally backward classes and to extend all kinds of reservation in cases of admission in educational institutions and for pubic appointments. Center and State Governments have also been directed to operate separate HIV Sero-surveillance Centers transgenders face several sexual health issues.</p>	<p>The Preamble needs to expand to ensure that the transgender persons enjoy the Right to Life with Dignity and to Personal Liberty as enshrined in the Constitution of India on an equal basis with others. It needs to include in its scope the Right to Equality and Equal protection under Article 15(2) of the Constitution of India</p>	<p>To Add: Article 21 of the Constitution of India, 1950 provides that, “No person shall be deprived of his life or personal liberty except according to procedure established by law.”</p> <p>Article 15(2) of the Constitution of India 1949 provides that, (2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to (a) access to shops, public restaurants, hotels and palaces of public entertainment; or (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public</p>
<u>2. Objectives of the Policy</u>		
<p>The basic objectives of the Policy are the following: 1) Include them in society, provide social protection to the transgenders, and provide them with proper educational facilities, health facilities and basic amenities such as water supply, sanitation, housing facilities and provision of employment 2) Provide a mechanism for self identification of gender as man, woman or transgenders</p>	<p>Transgender persons participation in tourism is not only as a tourist they are also present for there livelihood. 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. Transgender communities migrate and visit tourism destinations for their livelihood opportunity as tourism play a major role in their life as it offers options for livelihood.</p>	<p>It is important that tourism as a site for discrimination and exploitation is acknowledged and the definition of Public Space specifically includes tourism destinations. Therefore, we propose that tourism is added to the list as below:</p> <p>To add:</p> <p>1. Public places: Include Tourism destinations</p>

<p>3) Encourage all Government Departments and public authorities to extend a non-discriminatory treatment to the transgenders in legal aspects and in providing barrier free access to public transport, parks and other public places. Guidelines in this regard should be framed and there should be a mechanism to ensure that these guidelines are followed.</p> <p>4) Ensure qualitative services provided by Government/NGOs.</p> <p>5) Sensitise the parents, teachers, students, doctors, police and other members of the Society so that there is no discrimination and that they are treated as proper citizens and can live with self-respect and dignity.</p> <p>6) Effective implementation and monitoring of the schemes being proposed especially for the transgenders for their socio-economic improvement and livelihood issues.</p> <p>7) To converge existing schemes across Departments for a more targeted and focussed approach towards welfare of Transgender community</p> <p>8) To provide policy and institutional reforms to enable access to social protection schemes for the community especially for those who are more marginalised among them.</p>		<p>2. Right to Equal voices and participation in key development decisions that shape their lives. Communities and the state.</p> <p>3. The right to live with dignity and enjoy a life free from all forms of violence and discrimination.</p>
<p>3. Creating an Enabling Environment for the Transgender and Governance</p>		
<p>(b) Counselling Centres</p>	<p>Apart from Counselling Centres, a dedicated Transgender Helpline will be an important step towards providing an enabling environment for the transgender community.</p>	<ul style="list-style-type: none"> • TG Helpline (24X7)

<p>(c) Safeguarding the transgenders</p>	<p>They can be used by the community from protecting themselves from violence, abuse and exploitation in all spaces, including tourism.</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.</p> <p>Anonymity of the tourists allows for exploitation of the transgenders.</p> <p>The additional factor 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.</p> <p>The already antagonistic and hostile police adds to the vicious circle of exploitation.</p>	<ul style="list-style-type: none"> • Proper mechanism to be put in place to safeguard the transgenders through sensitisation of teachers, staff and other children; in tourism places sensitisation of tourists and tourism service providers will be undertaken and through periodical sensitisation events by collaborating with organisations working with transgenders. • The mechanism to safeguard the transgenders to include stringent criminal and disciplinary action against any person, including tourists, who violates the human rights of a transgender delinquent legal and law enforcement officials who fails to protect the human rights of any person of the transgender community. • One of the measures that will be undertaken is stringent and binding mechanisms for the protection of transgender people in all public spaces, including tourism destinations.
<p>e) Sensitization</p>	<p>Transgender communities largely depend on tourism for their livelihood.</p> <p>Yet, there is a lack in accessibility of services from the tourism sector. The rights of the tourists and safeguarding their interest is given primary attention.</p> <p>Most hotels / lodges are not accessible to transgender communities to stay at. The fear of loosing 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.</p> <p>There is no such restriction on other visitors.</p> <p>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 i. This actually forces community members to spend their days in public spaces</p>	<p>Sensitization programmes with the tourism sector will be initiated. The Monitoring Committee shall ensure that the members of the transgender communities are not discriminated with regard to accommodation facilities and employment opportunities.</p> <ul style="list-style-type: none"> • Sensitization 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. • Ensure all Government Departments and public authorities to extend a non discriminatory treatment to transgender persons and also to take steps to raise awareness of their employees and contractors.

	<p>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>During tourism season, sensitization programmes will be undertaken by the Department of Tourism with the tourists through information desks, posters, billboards and information leaflets to ensure the transgender persons enjoy the right to life with dignity and to personal liberty guaranteed under Article 21 of the Constitution of India on an equal basis with others. Also to ensure protection of transgenders from abuse, violence and exploitation.</p> <p>Sensitization of state agencies and specific protection mechanisms, similar to and stronger than the Code of Conduct for Safe and Honorable Tourism, implemented by the Ministry of Tourism, should be put in place.</p>
<p><u>5.Schemes for the Welfare of Transgenders</u></p>		
<p>a) Schemes that generates jobs and Income</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 stakeholders playing a role in the rituals. Therefore, they have in-depth knowledge about the historical and cultural context of the place and region. Transgender people therefore have in-depth knowledge about the destination and are very suited to work as tourists guides, tourist facilitators, employees in hotel and catering services, travel and tour operation are other areas of work where transgender people can find meaningful employment. Some transgender people are currently involved in these areas of tourism but only until they don't reveal their identities. Once revealed they are removed from their jobs.</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 two primary livelihood options for transgender people in tourism destinations.</p>	<p>Specific Schemes /Programmes for Development of transgender communities under the State Tourism Departments to facilitate their accessing of the schemes be enabled.</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>Awareness building will be done with the tourism industry and reservations within the government enterprises will be ensured.</p>

<p>b) Schemes for Housing /Shelter</p>	<p>Transgender communities migrate and visit tourism destinations for their livelihood 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. Most hotels / lodges are not accessible to transgender communities to stay at. The fear of loosing their business by the hospitality sector has its roots in social acceptance of people with different sexual identities and not merely because of the concern that the transgenders may be disturbing other visitors or misusing the rooms. Though there are innumerable cases of tourists misusing and undertaking illegal activities in the places they stay in, no such restrictions are imposed on visitors of general category. Though the visitors are asked to provide ID proof but the purpose of their visit still remains unknown. In all tourism places, because of the discrimination extended to the transgender communities by the tourism service providers the transgender community members are actually forced 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>	<ul style="list-style-type: none"> • No discrimination against Transgender by there identities. The tourism service providers cannot deny rooms to any person based on the sexual identity. The members of the transgender communities can rent rooms in all kind of accommodations, like any other tourists at the same rate as is provided to all. The tourism service providers cannot deny them access to all forms of services in the tourism destination. • Free stay homes will be maintained by government and NGOs in tourist places for the members of the transgender communities, special preference would be given to the elderly and physically challenged transgenders to accommodate the interest of the members of the transgender community.
<p>g) Other Programmes</p>	<p>The temple of Goddess Yellamma is a popular pilgrimage site in Belgaum district of Karnataka state and has religious significance for Jogappas - who are a subcommunity within the transgender community. Large number of Jogappas and devotees, especially from 4 states in South throught the place during annual Jatra (fair) season. During the Jatra, the Jogappas mainly engaged in a cultural activities and attract the tourist and local public as part of their livelihood. They perform rituals, dance, sing songs, and play saga stories.</p>	<p>Encourage Transgender cultural activities through:</p> <ul style="list-style-type: none"> • Providing opportunities for enhancing their artistic skills as well as facilitate their participation in state and other festivals to perform • Department of Culture and Department of Tourism should take the responsible

6. Policy Implementation and Review

The Monitoring Committee would be constituted to review the implementation of the programmes to ensure welfare of transgenders. The Committee would comprise of Chief Secretary as the Chairperson, the official members would be Principal Secretaries/Secretaries of Department of Social Welfare, Law, Education, Health and Family Welfare, Employment and Training, Rural Development and Panchayat Raj, Housing and Finance. There would be at least four non-official members who would be from TG community. There would also be experts on the subject related to transgenders in the Committee.

Mysuru Dasara is one of the festivals, which attracts a large number of tourists every year. During the Dasara season, large number of Transgender community members migrate from neighbouring places to Mysuru for their livelihood by offering blessings during poojas conducted in shops and commercial enterprises which is a tradition, performing basti and dancing on the roads. Many tourists who throng the Dasara from other parts of the country and adjoining areas indulge in commercial sexual use of these transgenders.

Shimoga, officially renamed as Shivamogga, is a popular domestic tourist destination due to the rich natural resources in the form of water bodies and forests. People from the LGBT communities are found in large numbers in this area who work as tourist guides to the local tourists and also involved in sex work. This happens throughout the year.

Yellamma temple is a popular pilgrimage tourist site in the Belagavi district. Jogappas, one of the lesser known transgender communities in India are connected with the worship of goddess Yellamma. While some women and men dedicate themselves, their spouses, or their children to the services of goddess Yellamma, many male-to-female transgender “choose” the goddess. They perform poojas, offer blessings, and narrate the saga of the Yellama temple in the traditional way of singing and dancing, which attracts both tourists and devotees thereby also supporting their livelihood. In the recent years the place has become a popular tourist site, that is frequented by people from adjoining villages and towns, including large cities like Bangalore and Mumbai.

As per the data presented it proves that the transgender communities largely depend on tourism sector for their livelihood. Freedom of expression, right to life with dignity and personal liberty and life without abuse, exploitation and violence as per the constitutional/statutory requirements as necessary to protect the rights of Transgender community in tourism. Therefore, it is necessary and important to include the Department of Tourism in the Monitoring Committee.