



# A STUDY ON INSTITUTIONAL AND SOCIAL SECURITY MISSION FOR TRANSGENDERS IN KERALA

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**Abstract--** Human being may be male, female or third gender. But the society accepts only the first two and discriminate the third gender. Gender based discriminations and violence against third gender is quite common in India. In 2015, Kerala government formulated a comprehensive welfare plan for transgenders consisting of various authorities, welfare measures and schemes. In 2019, Transgender protection Act was passed by the Parliament. Even after all these legislative interventions, the plight of TGs has not been alleviated. The study is to analyse the institutional and social security measures provided to transgender persons in State of Kerala.

**Keywords:** Transgender, Kerala, Discrimination, Social, Legal, Economic, Institutional

## INTRODUCTION

The concept of transgenders or third gender is not new in Indian context. They existed in the country from time immemorial. Transgenders have been recognised in our ancient history and their historical presence is evident from Hindu mythology and other religious texts. Even the concept of *Ardhanarishwara* was prevalent during Vedic period. But later on, they faced various forms of discriminations which strive them to unable to lead a normal life even in this contemporary era. Various studies and approaches were made to enable them to live in mainstream of society. This was lined up by the landmark judgement of Apex court upholding them as India's third gender. After this legal recognition many states in India attempted to uplift the struggling life to mainstream. The state of Kerala was one of the prominent states attempted for this approach by implementing a transgender welfare policy in 2015 to provide a comprehensive socio-economic and legal empowerment to transgenders. Finally, the urge to have a welfare legislation paved way for the enactment of Transgender Persons (Protection of Rights) Act, 2019.

## RESEARCH METHODOLOGY

In this article, the researcher tries to analyse the various institutional and social security measures provided to transgenders in Kerala as per Kerala Transgenders Welfare Policy 2015 and Transgender Persons (Protection of Rights) Act, 2019. The researcher adopted a doctrinal research methodology in conducted the study.

Secondary data for conducting this study includes,

- Statutes, books, articles, journals, newspapers, websites etc...
- Evaluation of various case studies and statistical data.
- Analysis of parliamentary proceedings and discussions regarding the matter in question.

## INSTITUTIONAL AND SOCIAL SECURITY MISSION FOR TRANSGENDERS IN KERALA

In 2015, the Government of Kerala for the first time in India formulated a state policy for transgender persons. The policy aims to enforce the constitutional rights of transgender persons as mandated by the hon'ble supreme court in *NALSA v. Union of India*.<sup>1</sup> The policy recognises that transgender persons are facing injustice at several places including their own homes. It provides that the core issues faced by the transgender persons is the exclusion from the socio-economic and political spectrum. The successful implementation of this policy aims to remove the stigma and discrimination faced by transgender persons. In order to ensure that their rights are protected and

<sup>1</sup> *National Legal Service Authority v. Union of India*, AIR 2014 SC 1863

to mainstream them into society, various authorities, welfare measures and schemes were established under department of Social Justice, Government of Kerala.<sup>2</sup>

The Transgender Persons (Protection of rights) Act 2019, was passed by the parliament with an intent to provide a welfare legislation to transgender. This Act prevents all forms of discriminations among transgender and provides for the establishment of various authorities, welfare measures and schemes for educational, social security and health care facilities for transgender. This Act punishes physical, verbal, emotional and economic abuses against transgender.<sup>3</sup>

### INSTITUTIONAL STRUCTURES FOR TRANSGENDER PROTECTION

Following are the institutions that functions for TG protection:

**1. National Council For Transgender Persons:** National Council for Transgender persons has been constituted by the Central Government, on August 21, 2020 in the exercise of the powers conferred by the Transgender Persons (Protection of Rights) Act, 2019.

This is India's first statutory body which shall be working for the welfare of transgender citizens and it aims at setting up Transgender Welfare Boards in all States across the country.

**The National Council shall consist of following members;**

<b>Chairperson</b>	Union Minister of Ministry of Social Justice and Empowerment
<b>Vice-Chairperson</b>	Minister of state, in-charge of Ministry of Social Justice and Empowerment
<b>Member Secretary</b>	Secretary to the Government of India in-charge of Ministry of Social Justice and Empowerment
<b>Members</b>	<p>One representative from the following departments Working at joint-secretary levels:</p> <ul style="list-style-type: none"><li>• Ministry of Health</li><li>• Ministry of Home Affairs</li><li>• Ministry of Minority Affairs</li><li>• Ministry of Education</li><li>• Ministry of Rural Development</li><li>• Ministry of Labour and Law</li><li>• Ministry of Personnel, Public Grievances &amp; Pension</li><li>• NITI Aayog</li><li>• National Human Rights Commission</li><li>• National Commission for Women</li></ul>
<b>Nominated Members</b>	<ul style="list-style-type: none"><li>• One representative each from five State Governments and Union territories from north, south, east, west and north-east regions appointed on a rotational basis.</li><li>• Five representatives from transgender community from State Governments and Union territories from north, south, east, west and north-east regions nominated by central Government on rotational basis.</li><li>• Five experts to represent non-governmental organisations or associations, working for welfare of transgender persons nominated by central Government.</li></ul> <p>All the members will work for a tenure of three years.</p>

#### ***Functions of the National Council for Transgender Persons***

Following are the functions of the National Council for TG Persons:

- ❖ To advise the Central Government on the formulation of policies, programs, legislation, and projects with respect to TG persons.
- ❖ To monitor and evaluate the impact of policies and programs designed for achieving equality and full participation of TG persons.
- ❖ It will also analyse and coordinate the activities of all the departments of Government and other Governmental and non-Governmental Organisations, working for matters regarding the same.
- ❖ Resolving and redressing the grievances of TG persons.

<sup>2</sup> The Kerala Transgender Welfare Policy, 2015

<sup>3</sup> Transgender Persons (Protection of Rights) Act, 2019, s 2(k), 3, 4, 16 &18, No. 40, Acts of Parliament, 2019 (India)



Apart from this, performing any other functions as directed by the Central Government for TG protection.<sup>4</sup>

**2. State Transgender Justice Board:** The KTWP 2015, empowers the state government for the establishment of a State Transgender Justice Board under the department of social justice.

**The state transgender justice board consists of following members:**

<b>Chairperson</b>	Honourable Minister for Social Justice
<b>Member Secretary</b>	Secretary, Department of Social Justice
<b>Members</b>	<ul style="list-style-type: none"><li>Secretary, Department of Home Affairs</li><li>Secretary, Department of Finance</li><li>Secretary, Department of Health</li><li>Secretary, Department of General Education</li><li>Secretary, Department of Law</li><li>Secretary, Department of Culture</li><li>Secretary, Department of Local Self Government</li><li>Director of Social Justice</li><li>Director of Public Instruction</li></ul>
<b>Nominated Members</b>	<ul style="list-style-type: none"><li>One representative from an NGO which has been working for the rights of TGs.</li><li>Five representatives from TG Community</li></ul>

#### ***Functions of State Transgender Justice Board***

The functions of State TG Justice Board would be as follows;

- ❖ TG Justice Board shall monitor and oversee the implementation of TG Policy. This would facilitate policy and institutional reforms that enable access to social, economic development schemes for the poor and other at-risk TG groups.
- ❖ Ensure convergence of existing schemes across departments for a more targeted and focused approach towards well-being of TG community.
- ❖ Issue guidelines as necessary to ensure equality and equity of TGs.
- ❖ Ensure that sufficient and quality development projects, programmes, and schemes are formulated and adequate funds are allocated for effective implementation of TG Policy.
- ❖ Require every relevant department to submit an annual report on steps taken to protect TG rights, budget expenditures and results achieved from each department be submitted no later than June 30<sup>th</sup> of the financial year; and
- ❖ Facilitate awareness programmes in association with NGOs and community-based organizations to sensitize public about TGs through mass media and other methods of publicity campaign.<sup>5</sup>

**3. District Transgender Justice Board:** The KTWP 2015, empowers the state government for the establishment of District Transgender Justice Board in every district to implement the provisions of the said policy.

**The District Transgender Justice Board consists of following members:**

<b>Chairperson</b>	District Collector
<b>Member Secretary</b>	District Social Justice Officer
<b>Members</b>	<ul style="list-style-type: none"><li>City Police Commissioner/District Police Chief</li><li>District Medical Officer</li><li>District Labour Officer</li><li>Deputy Director Education</li><li>District Child Protection Officer</li></ul>
<b>Nominated Members</b>	<ul style="list-style-type: none"><li>One representative from a community- based organization which has been working for rights of TGs.</li></ul>

<sup>4</sup> *Supra* note 3, at s 16.

<sup>5</sup> *Supra* note 2, Clause 15 & 17.



- Four representatives from TG community

#### ***Functions of District Transgender Justice Board***

The functions of District TG Justice Board would be as follows;

- ❖ The responsibility of implementing and monitoring programmes for the social, economic and political development of TGs.
- ❖ To constitute a screening committee for the verification of the application for issue of gender identity certificate. The screening committee should be a subcommittee of the district TG Justice Board, chaired by the District Medical Officer, with psychologist, psychiatrist, the CBO representative and the 4 representatives from the TG community as members.
- ❖ Issue recommendations to the State TG Justice Board for gender identity certificate based on the reports of the screening committee.
- ❖ To set up and monitor TG Support and Crisis Intervention Centres (TSCIC). The centre should undertake counselling programmes, mental health services, sensitization programmes and crisis intervention, with the help of CBOs. The centre should also function as an information centre and support centre for TGs and the parents of gender nonconforming children. The centre should include qualified counsellors and community counsellor.<sup>6</sup>

**4. Trans-People Protection Cell:** The Trans-people protection cell was formed according to the guidelines issued by the Ministry of Home Affairs, Government of India as per advisory powers conferred by Transgender Persons (Protection of Rights) Act 2019 and the Transgender persons (Protection of Rights) Rules, 2020.

The guideline directs that every state shall constitute a state level transgender protection cell under State Police Chief and a district level transgender protection cell under the District Magistrate, to monitor cases of offences and crimes against TG persons and to ensure timely registration, investigation and prosecution of such offences.<sup>7</sup>

#### **SOCIAL SECURITY MEASURES FOR TRANSGENDER PERSONS**

The social security measures provided for transgender protection that aims to mainstream them to society includes the following;

**1. Transgender Cell:** With the intention of mainstreaming the Transgender community and upholding their rights, Social Justice Department has implemented several transgender-friendly welfare schemes in the State. A Transgender cell has been constituted under the Directorate of Social Justice, Kerala.

The main objective of Transgender cell is to provide assistance and support to the functioning of state transgender justice board and district transgender justice boards. The cell would also formulate and coordinate the Transgender welfare initiatives of the Department.

The Transgender cell consists of the following members;

- 1 Project Officer.
- 2 Project Assistants.
- 1 Office attendant.

All these members are from TG community.<sup>8</sup>

**2. 24x7 Helpline For Transgenders:** Transgender communities face severe hardships, discrimination and neglect from the society and are living under hostile conditions. Lack of proper awareness and realization of transgender issues at ground level is the ultimate cause for such issues. This group needs more attention for mainstreaming into the society.

<sup>6</sup> *Supra* note 2, Clause 16 &19.

<sup>7</sup> The Transgenders (Protection of Rights) Rules 2020, Rule 11

<sup>8</sup> *Supra* note 2, Clause 18



Kerala is the first State to establish a Policy for Transgenders, in India. As a novel initiative, Social Justice Department under Government of Kerala has launched a 24x7 transgender helpline - 1800 425 2147. The aims to provide necessary assistance to transgenders who are in distress, enlighten them with an idea of their basic rights and also provide counselling and legal assistance. This helpline will also act as a crisis management centre that ensures the service of community counsellors and legal advisers.<sup>9</sup>

**3. National Portal For Transgender Persons:** The Portal provides the facility for transgender person to apply for certificates and identity cards from anywhere in the country without physical interface through a seamless end to end mechanism. The Transgender certificates & identity cards are nationally recognised and provided by the Ministry of Social Justice & Empowerment, Government of India, the certificate is a mandatory document to avail the welfare measures being provided under the SMILE scheme.

The applicants can monitor, edit, track the status of their application through their login id ensuring transparency throughout the procedure. They are also provided with a grievance redressal mechanism where in, the applicant can post their grievances pertaining to delay in the certification process which would be then forwarded to the concerned authority for resolution at the earliest. The portal acts as a facilitator between the district authorities and beneficiaries for easy access to Transgender Certificates and Identity Cards as per their self-perceived identity which is an important provision of The Transgender Persons (Protection of Rights) Act, 2019 & Transgender Persons (Protection of Rights) Act 2020.

The applicants can apply for certificates or id cards through this portal with relevant documents and it is mandatory for the district authorities to issue transgender certificates and identity cards within 30 days of receiving the application. As per the available data till June 2022, 6769 transgender certificates and 6777 transgender identity cards were issued through this national portal.<sup>10</sup>

**4. HIV Sero Surveillance Centres:** Due to the lack of education and unemployment many transgender persons are forced to get involved in activities not accepted by the society. Such persons are prone to contract diseases like HIV. The KTWP 2015 and TPPRs Act 2019, provides for the establishment HIV SERO surveillance centres to prevent and to cure from this kind of vulnerable diseases. With this objective to develop a HIV free society, a HIV SERO surveillance centres are established in every district to provide free regular health check-up and awareness classes conducted through Kerala Social Welfare Board. An amount of rupees 19.80 lakhs has been allotted for this scheme by Social Justice Department.<sup>11</sup>

**5. Identity Cards For Transgender Persons:** As per the directives provided by the KTWP 2015, the Social Justice Department has rolled out an initiative for providing identity cards for Transgender persons in a bid to ensure that benefits and welfare schemes of the government reaches transgenders. The Transgender Identity card application services have been made available online. The Transgender persons can log onto the website- [www.sjd.kerala.gov.in](http://www.sjd.kerala.gov.in) for availing this service. The applicants can apply for ID cards in this website in prescribed format with relevant documents. The first level scrutiny of applications would be done at Directorate level and forwarded to District level officers and after the final approval, identity cards will be issued.

This ID card will have a unique number which is made mandatory for availing the services and various beneficial schemes offered to Transgender community by Social Justice Department. The card upholds the Supreme Court judgment on right to self-identify one's gender as male, female or transgender. Almost 2500 id cards were issued through this initiative.<sup>12</sup>

But now transgender persons can apply for ID cards, certificates, scholarships and other welfare measures through a national portal for transgender persons developed by the central government in order to implement the

<sup>9</sup> KERALA SOCIAL JUSTICE DEPARTMENT, <http://www.sjd.kerala.gov.in/scheme-24x7> transgender helpline (last visited, May 25, 2025)

<sup>10</sup> NATIONAL PORTAL FOR TRANSGENDER PERSONS, <https://transgender.dosje.gov.in> (last visited, May 26, 2025)

<sup>11</sup> *Supra* note 2, Clause 12

<sup>12</sup> As per G.O.No.SJD/C2-12580/2018 dated on 30/10/18, Kerala Social Justice Department, Government of Kerala



provision of TPPRs Act 2019. It is mandatory for district authorities to issue transgenders certificate and ID cards within 30 days of receiving the application. Applicants can apply from anywhere in the country with relevant documents. As per the available records till June 2022 almost 6769 certificates and 6777 identity cards were issued to transgender persons through this online portal.<sup>13</sup>

**6. Reservations In Educational Institutions:** An order issued by the Department of Higher Education has directed all state and affiliated universities to reserve two seats for transgender students in undergraduate and postgraduate courses subject to fulfilment of qualification. The department has also directed these institutions to ensure that transgender students are not discriminated against in any manner.

As per this reservation, for the first time in Kerala, transgender persons got admission in Maharaja's college, Ernakulam. Now a considerable number of transgender students are studying at various institutions across Kerala.<sup>14</sup>

**7. Transgender Friendly Schools And Colleges:** Most of the transgender persons have the realisation of their gender during adolescent period. The number of school dropouts are more during this period due to discriminations and bullying from classmates and teachers. This welfare scheme aims to transform 50 government schools in Kerala to transgender friendly schools by giving proper awareness and other related facilities. Thus, the transgender persons can continue with their education free from discriminations.

In order to implement this welfare measure Kerala government, started India's first transgender residential school. Sahaj International school in Kochi will serve as a skill development centre to transsexual school dropouts. Students within the transgender community will be trained under the National Open School System. The country's first transgender school will also guide students for examinations equivalent to 10<sup>th</sup> and 12<sup>th</sup> class.

**8. Transgender Friendly Toilets:** Social Justice Department Kerala, is taking steps to establish transgender friendly toilets across the state. As per this the department established separate toilets for transwomen and transmen in Maharajas College, Ernakulam and Government College, Malappuram where a number of transgender students are studying.<sup>15</sup>

#### WELFARE SCHEMES FOR TRANSGENDER PERSONS

The Transgender community face many problems such as fear, shame, social discrimination, depression, suicidal tendencies and social stigma. They are unable to live a dignified life, once their gender status is revealed. Steps must be taken to create public awareness so that TGs feel that they are a part of society and are not treated as untouchables. The solution to their problems requires concerted efforts to mainstream them through adoption of an inclusive approach in all spheres of life. In order to achieve these goals a comprehensive policy was formulated by Kerala State. To implement the provisions of this policy, the Social Justice Department, Kerala have formulated various educational, skill development and health care schemes for transgender persons.

#### I. EDUCATIONAL SCHEMES FOR TRANSGENDERS

The following are the educational schemes provided to TGs in Kerala by Social Justice Department;

**1. ‘Samanwaya’ Continuing Education Program For TGs:** The main problem faced by TG community is high rate of school and college dropouts due to social discrimination, financial constraints and lack of family support. As a result, these marginalized group faces severe unemployment and other social stigmas in society. Being the first State to implement TG policy, Kerala has introduced several welfare initiatives for mainstreaming the TG community. The Kerala State Literacy Mission Authority (KSLMA) along with Social Justice Department

<sup>13</sup> *Supra* note 10

<sup>14</sup> As per G.O.(MS) No. 153/2018/HEDN, Higher Education Department, Government of Kerala

<sup>15</sup> *Supra* note 9.



has rolled out a continuing education programme called 'Samanwaya' for such targeted population. As a part of this scheme KSLMA have conducted a survey and identified 918 TG persons who expressed their willingness to register under this programme. Out of these 145 members have registered for Class 4, 7, 10 and higher secondary equivalent courses. Through this scheme the TG persons can continue their education which would increase their employment opportunities and help them to get a job and thereby lead a quality life. The government has consolidated Rs. 35,00,000/- for providing scholarships and shelter homes during the educational period.<sup>16</sup>

**2. 'Saphalam' Scheme For TG Students Pursing Professional Course:** The Social Justice Department has rolled out an innovative scheme called 'Saphalam' which provides financial assistance to TG students pursuing Professional / Degree/Diploma level courses. This scheme would provide an opening to TG students who possess high technical/professional competence. This scheme enables those students who have qualified for such professional courses and suffer from financial constraints to continue their education uninterrupted which would increase their employment opportunities and help them to secure a good job and thereby lead a quality life. All eligible candidates can apply to district social justice officer in prescribed form. A maximum amount of Rs. 1 lakh per year will be provided as financial assistance for eligible students. The government has consolidated an amount of 20 lakhs for this scheme.<sup>17</sup>

**3. 'Varnam' Scheme For TG Students Pursuing Distance Education Courses:** The social Justice Department has successfully launched an umbrella scheme called 'Varnam' to provide financial assistance to those TG students pursuing Degree/ PG /Diploma courses through distance education method. A maximum amount of Rs. 24,000/- will be provided annually to eligible students. For students pursuing PG courses the assistance will be provided for 2 years and for Under Graduate students the assistance will be given for 3 years. The eligible students can apply to district social justice officer in prescribed form with relevant documents.<sup>18</sup>

**4. Scholarships For TG Students:** As an effort to bring marginalized TG community to the mainstream of society, Social Justice Department has initiated a scheme for providing scholarships to TG students from 7<sup>th</sup> standard onwards studying in State Govt./ Govt aided / Self Financing schools. The financial assistance is being provided to TG students on the following basis-

- For TG students from 7<sup>th</sup> std. to 10<sup>th</sup> std - (Rs. 1000/- per month for 10 months).
- For TG students studying in plus one & plus two- (Rs. 1500/- per month for 10 months).
- For TG students pursuing Diploma, Degree, Post Graduate and Professional courses- (Rs. 2000/- per month for 10 months).

The eligible students can apply to district social justice officer through head of their educational institutions in prescribed form with relevant documents.<sup>19</sup>

**5. Financial Aids For Providing Hostel Facility To TG Students:** TG community is still ostracized in society and cannot take up job offers or continue education due to lack of accommodation facility. Though there has been improvement in the mindset of the people, still the stigma of giving TG persons a house exists in society. Due to this problem, TGs who are pursuing the scholarship scheme are forced to discontinue their studies. For addressing this issue, the Department of Social Justice has introduced a scheme that provides an amount of Rs 4,000/- as financial assistance to TG community to find proper hostel facility or accommodation. Applicants pursuing courses in Government / Aided /Un-aided / Self-financing institutions can apply under this scheme.

The duly filled application forms have to submitted along with supporting documents to District Social Justice

<sup>16</sup> As per G.O. No. 145/2018/SJD dated on 20/03/2018, Social Justice Department, Government of Kerala

<sup>17</sup> As per G.O. No. 258/2020/SJD dated on 20/06/2020, Social Justice Department, Government of Kerala

<sup>18</sup> As per G.O. No. 542/2021/SJD dated on 05/08/2021, Social Justice Department, Government of Kerala

<sup>19</sup> As per G.O. No. 493/2015/SJD dated on 03/08/2015, Social Justice Department, Government of Kerala



officer.

After scrutiny of the applications the financial aid of Rs 4000/- will be transferred to the bank account of the eligible candidates.

During the commencement of each academic year the students have to submit a new application for getting the benefit of this scheme.<sup>20</sup>

## II. SKILL DEVELOPMENT SCHEMES FOR TRANSGENDERS

The following are skill development schemes provided to TGs in Kerala by Social Justice Department;

**1. Schemes For Imparting Driving Classes To TG:** The SJD implemented a scheme to provide driving classes to TG persons with a view to make them self-employed. The Government aims for providing driving training to selected five TGs in each district for the better self-employment opportunities and the government has consolidated Rs.5,95,000/- for the scheme.<sup>21</sup>

**2. Self-Employment Scheme For TGs (Sewing Machine):** For building a TG welfare State, the SJD under Government of Kerala has been implementing various welfare schemes for uplifting the TG community. For addressing the financial needs of the downtrodden TG community, the Department has implemented a scheme that provides self-employment for them. Through this scheme sewing machines will be distributed to the TGs who has undergone tailoring / embroidery training so that they can earn a livelihood of their own. The duly filled applications should be submitted to the concerned district social justice officer.<sup>22</sup>

**3. Schemes For Imparting Skill Development Training To TGs:** The SJD has formulated a new comprehensive welfare scheme that imparts skill development training to TGs. The main aim of this scheme is to bring the TG community to mainstream of the society by providing skill training so that they become self-reliant.

This training programme will build self-confidence and would create self-employment opportunities for disadvantaged TG community. For implementation of the scheme an amount of Rs. 5 lakhs have been allotted to each District Social Justice Officers to meet the expenses for providing skill development training, food and accommodation to selected list of TG participants. The courses offered to the TG community must be affiliated to State Govt. Universities/ Government approved agencies. The applications received have to be scrutinized and recommended by the concerned District TG Justice Board.<sup>23</sup>

**4. ‘Sakalyam’ Scheme For Imparting Vocational Training To TGs:** The TGPPRS Act 2019 mandates the States to ensure equality and inclusiveness of TG community. In order to mainstream and uplift the TG community, the SJD has formulated a new comprehensive scheme ‘Sakalyam’ for imparting vocational training to TGs. This scheme aims to achieve;

- To provide skill development training that would equip the TG persons to earn steady income through self-employment.
- To build self-confidence among transgender community members and guide them to become eligible to avail employment opportunities and skilled jobs.
- To create transgender inclusive work environment and support them to be self-reliant.

Under this scheme, 10 TG persons will be selected from each district. The applicants can choose their own desired courses for which they require skill training. The govt. has consolidated an amount of Rs. 25.20 lakhs for the same.<sup>24</sup>

<sup>20</sup> As per G.O. No. 258/2018/SJD dated on 21/06/2018, Social Justice Department, Government of Kerala

<sup>21</sup> As per G.O.(Rt) No. 396/2017, (SJD) dated on 21/06/2017, Social Justice Department, Government of Kerala

<sup>22</sup> KERALA SOCIAL JUSTICE DEPARTMENT, <http://sjd.kerala.gov.in/scheme> (last visited, May 28, 2025)

<sup>23</sup> As per G.O. No. 596/2017, (SJD) dated on 14/09/2017, Social Justice Department, Government of Kerala

<sup>24</sup> As per G.O (Rt) No. 74/2022, (SJD) dated on 17/03/2022, Social Justice Department, Government of Kerala

**5. Financial Assistance To TGs For Self-Employment:** Under ‘Mazhavillu’ an umbrella scheme, SJD has launched several key initiatives for ensuring inclusivity of the TG community. Even though the TGs are slowly making their presence across several sectors, finding an employment still continues to be a struggle for most of them. Hence the ultimate goal of the department is to give special privilege to such target population so that they can be socially rehabilitated.

Since such marginalized groups are socially isolated, economically and educationally deprived and face severe unemployment the department has formulated an innovative scheme to provide financial assistance to TGs for earning a livelihood through self-employment. The maximum amount of financial assistance under this scheme is Rs 50,000.

The duly filled application form along with necessary supporting documents and detailed project proposal has to be submitted to Director, SJD.<sup>25</sup>

**6. Beautician Training Course:** This course is conducted by an academy run by Dhwayah TGs Arts and Charitable Society in collaboration with Directorate of Social Justice. The beneficiaries will be selected by the directorate and course duration is of 3 months and venue will be Ernakulam. A fixed amount of Rs 5000/- will be given every month as stipend.

This scheme aims to cover 1000 TGs persons and the govt. has consolidated an amount of Rs 20.75 lakhs for this scheme.<sup>26</sup>

**7. Self-Employment Assistance For TG Persons:** As a new initiative, SJD along with Kerala State Women’s Development Corporation (KSWDC) will provide financial assistance for TGs in to order help them to launch self-employment ventures. KSWDC will provide loan up to Rs. 3 lakhs to TGs for starting the self- employment initiatives. Through this initiative the TGs can earn a livelihood and lead a normal life like any other individual and become financially stable and for this scheme govt. has consolidated Rs. 3,00,000/- for the same.<sup>27</sup>

### III. HEALTHCARE SCHEMES FOR TRANSGENDERS

Following are the healthcare schemes provided to TGs in Kerala;

**1. ‘Karuthal’ Scheme For TGs:** The TG persons resort to Sex Re-assignment Surgery (SRS) and hormone treatments which helps them in their transition to self-identified gender. These surgical transitions may include several procedures and is very much complicated.

Also, due to lack of social support they often face atrocities and are subjected to crisis which may require immediate medical assistance, treatment, food, shelter, clothing and legal aid. The SJD has introduced a noble initiative known as ‘Karuthal’. The main objective of this scheme is to cater assistance to such needy TGs who requires immediate support during crisis or facing emergency situations.

In order to implement this scheme an advisory committee has to be constituted in each district under the chairmanship of district collector.

The District Social Justice Officer will have the financial power to utilize funds not exceeding Rs. 25,000/- and prior approval of monitoring committee has to be taken to utilize funds exceeding Rs. 25,000. The govt. has consolidated an amount of 14 lakhs for this scheme.<sup>28</sup>

**2. Financial Aids To TGs For Sex-Reassignment Surgery:** The majority of TGs often experience gender diversity which involves conflict between their biological sex and gender identity. As an alternative to solve this gender diversity the TG persons often resort to Sex Reassignment Surgery (SRS). Surgical transition may include several procedures which is complicated and expensive. As a helping hand for the TG community, SJD has

<sup>25</sup> *Supra* note 22.

<sup>26</sup> *Id.*

<sup>27</sup> As per G.O.(Rt). No. 658/2018, (SJD) dated on 15/11/2018, Social Justice Department, Government of Kerala

<sup>28</sup> As per G.O.(Rt). No. 11/2022, (SJD) dated on 18/01/2022, Social Justice Department, Government of Kerala

formulated a scheme for providing financial assistance to TGs undergoing sex reassignment surgery. A maximum amount of Rs 2 lakhs will be provided under this scheme.

TGs who have undergone first session of gender reassignment surgery and final phase of SRS can apply under this scheme along with supporting documents to Director, Social Justice Department.<sup>29</sup>

**3. Financial Aids To TGs For Further Treatment After SRS:** TGs who have undergone sex reassignment surgery have to continue proper medication throughout the recovery period. Socially and economically backward TG community struggles to meet the day-to-day expenses incurred during the recovery period. Hence, it is essential to provide financial assistance during the course of the recovery which involves counselling, treatment, food and other expenses. An amount of Rs. 3000/- will be provided as financial assistance by SJD over a period of 12 months from the date of SRS. The government has consolidated Rs.18 lakhs for the same for a period of one year.<sup>30</sup>

#### IV. OTHER SCHEMES FOR TGS

*Marriage Assistance To Legally Married Tg Couples:* It is for the first time in the country that two TG individuals, who have undergone sex change surgery, got married under Special Marriage Act. But the welfare schemes under this Act do not cover transgender individuals who are legally married after sex change surgery. Hence the SJD has introduced a new scheme for providing marriage assistance to legally married TG couples who have undergone Sex Reassignment Surgery (SRS). An amount of Rs 30000/- will be provided as married assistance to TG couples.

This scheme is intended to help the deprived TG individuals who are planning to get married legally to lead a steady normal family life. The duly filled application form along with necessary supporting documents have to be submitted to the concerned District Social Justice Officer.<sup>31</sup>

*Transgender Kalolsavam:* The SJD Kerala had conducted a TG kalolsavam called ‘Varnapakittu’ on 8<sup>th</sup> and 9<sup>th</sup> of November 2019, at Trivandrum, which made great awareness among the people that TGs are needed to be treated with dignity. Almost 181 TGs from 14 districts participated in this programme.<sup>32</sup>

#### V. SMILE SCHEMES FOR TGS

The Ministry of Social Justice and Empowerment, Govt. of India has formulated a national level umbrella scheme called “SMILE-Support for Marginalized Individuals for Livelihood and Enterprise”, which includes a Comprehensive Rehabilitation for Welfare of TG persons consisting of several welfare measures on rehabilitation, medical facilities, counselling, education and skill development for TGs.

The TG persons who possess a TG Id cards or TG certificate issued by Ministry of Social Justice and Empowerment, through National Portal for TG persons can apply for these welfare schemes. Eligible applicants can apply through National Portal for TG persons with relevant documents for respective welfare schemes.

Smile schemes includes;

- Scholarship for TG students studying from class IX to professional courses; a sum of Rs. 13500/-per year will be given as post-matric/pre-matric scholarships to eligible TGs.
- Composite medical health schemes; a comprehensive healthcare package that would cover all aspects of medical facilities for TG persons including hormone therapy and SRS. Health insurance in the form of Ayushman Bharath TG plus shall be available to TG persons and each TG persons shall receive an insurance cover of Rs.5 lakhs per year under this scheme.
- Skill development skills; the main purpose of this scheme is to provide employment opportunities to TGs by providing them market-oriented skills. Skill development shall be provided in the form of short-term and

<sup>29</sup> As per G.O.(Rt) No. 657/2018, (SJD) dated on 15/11/2018, Social Justice Department, Government of Kerala

<sup>30</sup> As per G.O.(Rt) No. 652/2018, (SJD) dated on 14/11/2018, Social Justice Department, Government of Kerala

<sup>31</sup> As per G.O.(Rt) No. 605/2018, (SJD) dated on 25/10/2018, Social Justice Department, Government of Kerala

<sup>32</sup> *Supra* note 22.



long-term courses as stipulated in National Occupational Standards. During the training period a stipend of Rs. 1000/month will be provided to eligible candidates.

- Garima Greh; the main aim of Garima Greh is to provide shelter to destitute and abandoned TG persons with basic amenities like, shelter, food, medical care and recreational facilities. Currently there are 12 Garima Greh's in the country and the Govt. aims to have one such shelter homes in every state for welfare of TG persons.<sup>33</sup>

## CONCLUSION

Transgender is a person whose gender identity differs from the sex of the person at birth. The concept of transgender is not new in Indian context. Their historical presence is evident and occupied higher status and privileges in ancient societies. During the colonial era they were turned to a vulnerable community and faced violence and harassments and were wiped from frontline of society. The centuries of struggle and fight for survival by TGs paved way for recognition as third gender by the apex court in 2014 in the famous case of NALSA v UOI. Followed by this landmark judgement, State of Kerala for the first time in India formulated a Transgender Welfare Policy in 2015, with a view to provide welfare policies for socio-economic and legal empowerment of TG community. Through this welfare policy government aimed to constitute various institutional machineries, social security measures and other welfare schemes for TGs as given in the preceding chapters. But the initiatives to implement these provisions of welfare policy started only after years of its formulation. For instance, the scheme to provide TG identity cards started only in 2018, about 3 years after the formulation of said policy.

The urgent need to have a welfare legislation for TGs paved way for the enactment of The Transgender Persons (Protection of rights) Act 2019 by Indian Parliament. The Act gives a clear definition to TG persons including all category of TGs whether or not undergone SRS or any other forms of treatments. The Act constituted a national authority for TG welfare and punishes all forms violence against TGs. But it failed to provide adequate welfare measures for TG protection. The Transgender Welfare Policy as well as Transgender Act failed to incorporate some of the important directives provided by the Hon'ble supreme court. The apex court in the landmark NALSA judgement directed the government to include TGs under Socially and Educationally Backward Classes (SEBCs) and to extend all kinds of reservations as available to members of Other Backward Classes (OBCs) category, but till now it is not implemented.

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<sup>33</sup> *Supra* note 10.