

Consultation on **TRANSGENDER PROTECTION ACT 2019** (With special focus on Livelihoods)



Rotary Club of Pune Central Rotary Club of Poona Downtown

Rotary Club of Khadki

Venue

STAPI Pune

Date

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Organized By

SOSVA Training And Promotion Institute (STAPI)

Organized By

SOSVA Training and Promotion Institute, Pune (STAPI)

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Rotary Club of Pune Central
Rotary Club of Poona Downtown
Rotary Club of Khadki

WELCOME & INAUGURATION:

A consultation on 'Transgender Protection Act – 2019' (with special focus on livelihoods) began with warm welcome of participating community members and officials of Rotary Club of Pune Central, Rotary Club of Poona Downtown, Rotary Club of Khadki by Disha Pinky Shaikh, a renowned community member. She set the tone of the day's deliberations by giving a brief background of the consultation. She thanked the officials of Rotary Club of Pune Central, Rotary Club of Poona Downtown and Rotary Club of Khadki for supporting such much needed initiative for the community. Participants were greeted by handing over the Tulsi sapling as a part of eco friendly initiative, which was symbolic in demonstrating the eco system within the society with regard to societal acceptance of transgender community.

- As regards the legislation for the Transgender community, it is going on since last many years like on article 377, NALSA Judgement of 2014 and Transgenders (Protection and Care) Act 2019. She also shared that the recent act is a step behind than the NALSA judgement if we review both the documents carefully.
- She also mentioned that various Govt departments are conducting events with transgenders but it is mainly with the purpose of Transgender certification and voter ID cards. However objective of this consultation is to review and discuss the Transgender Protection Act with specific focus on livelihoods which is important area of concern for day to day living of Transgender. While concluding the first sessions, she also opined something concrete may come out towards the end of the day.

Post inauguration and welcome, officials of all the three rotary clubs addressed the participants

Ms Pallavi Sable, District Director - Medical Projects, Rotary Club of Poona Downtown mentioned that Rotary is the world's largest NGO functioning for last 117 years. There are more than 35000 rotary clubs in more than 200 countries. It is the organization of well-established citizens who want to do something for society.

The major areas in which Rotary Clubs function are Women, Education, Environment, Water and Sanitation, Peace and Conflict, economic and community development. Rotary works shoulder to shoulder with the organizations or communities and support the work that they do or get associated with is sustainable.

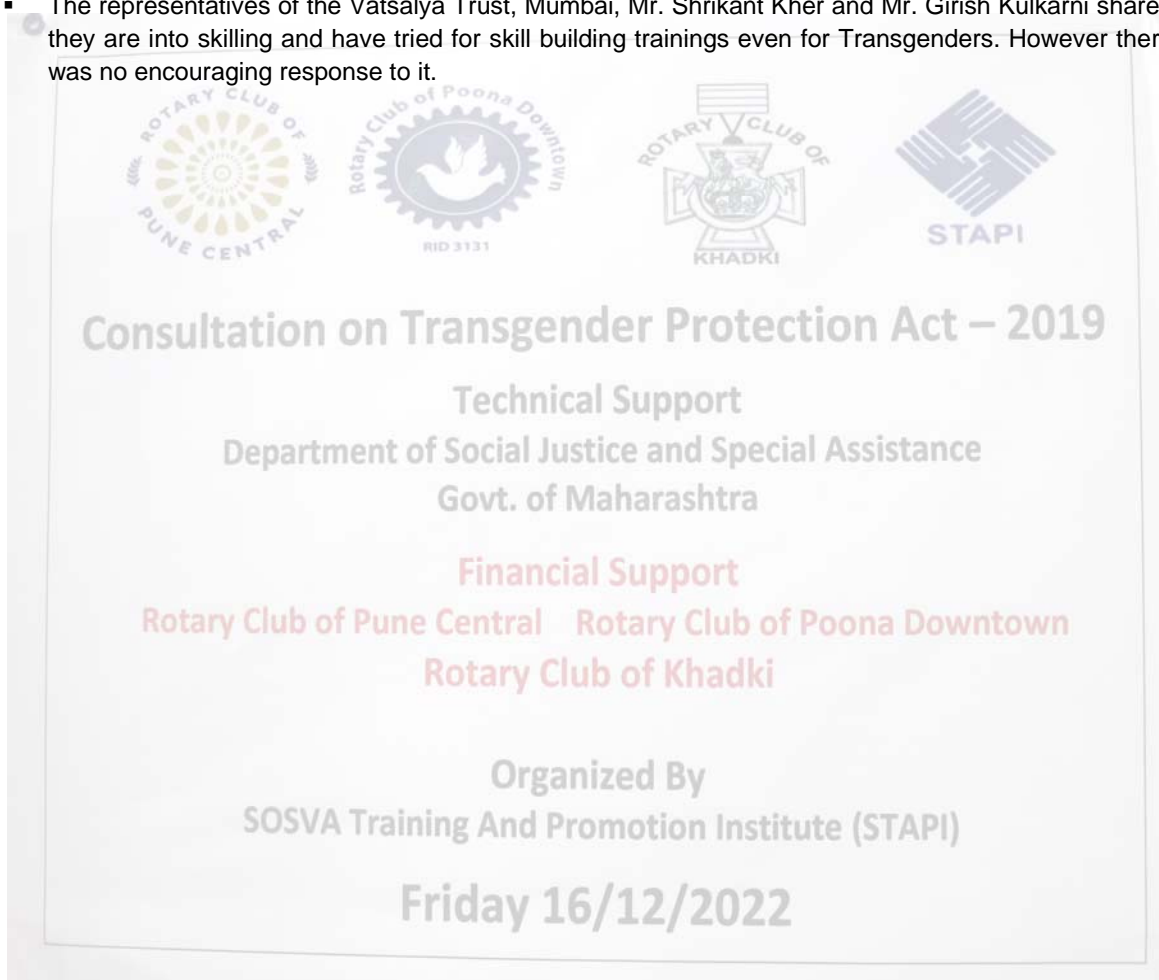
In 2009 Rotary declared that they are beyond gender and all the components of society are ours. In 2012 Rotary has passed a landmark judgement that they would not use the words like 'wife', 'husband', 'spouse' during their functioning but will address as 'partner'.

With this perspective, Rotary believes in diversity, equity and inclusion. There is equal respect for all. Rotarians strongly believe in sparing more time for the interventions which are really and highly required.

Dr. Kirti Kelkar President, Rotary Club Khadki expressed her satisfaction that such consultation is taking place and Rotary is supporting it. She shared that Rotarians initiative like distribution of sarees and similar other required things to Transgender. She mentioned that this was more of a superficial support, which was never towards understanding and addressing the difficulties and problems of transgender community. She also mentioned that initiative like this explores the opportunity to reach out and address the genuine problems and issues of the transgender community.

- She also shared that the officials of the Rotary Club of Khadki were trying to reach out to the community by linking them for the vocational skills trainings but without success as the transgender persons refused work or employment which was offered to them as it was low paying job.

- While concluding she put forth their expectations that that this consultation will address many confusions and give clarity with regard to the community providing a new and proper direction to work with them.
- Rtn. Uday Dharmadhikar President, Rotary Club of Pune Central) reiterated views expressed by the officials of Rotary Club of Khadki . He further added that society at large have very less information about this community and their issues. They are treated as criminals and there is still a social taboo about them He also shared that non acceptance begins from the very first institution in life which is family and that it continues in all the other areas. He asked the members present how many of us are ready to really accept transgenders from the bottom of our heart?
- The representatives of the Vatsalya Trust, Mumbai, Mr. Shrikant Kher and Mr. Girish Kulkarni shared they are into skilling and have tried for skill building trainings even for Transgenders. However there was no encouraging response to it.



THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019 – PERSPECTIVE AND BACKGROUND – By Prof. Zameer Kamble

Zameer Kamble a Professor of Gender Studies at the Savitirbai Phule Pune University, represents the queer community.

Zameer Ji described the historical journey of transgender and about their situation in the society .

Important points of his session (taking into account the entire community journey up till the Transgender Persons Act 2019) ,

- Professor Zameer Kamble talked about hyper visibility and invisibility of transgenders. Initially transgenders were considered as like ghosts.
- The act has to be a combination of modernization, democracy and human rights.
- The human rights movement around 2014, considered inclusion of transgender into this movement as human beings
- During colonial era, concept of sex and sexuality was considered only for reproduction and hence male and female were important. Non reproductive sex , oral and anal sex was considered as crime.
- Transgender were considered as caste wise community by the Criminal Tribes Act of 1877. The amendments took place in 1897, when transgenders were considered as eunuchs.
- Dr. R.D. Karve and his 'Samaj Swasthya' magazine which focused on scientific information on sexual health had to face lot of opposition from the society. Dr. Babasaheb Ambedkar fought for their authentic inclusion as We the People of India as a part of our Constitution.
- After Independence, the image of independent India was further visible through women empowerment.
- Article 377 considered homosexuality illegal.
- NALSA judgement considered transgenders and other sexual minorities as third gender.
- The Transgender Persons (Protection of Rights) Act came into practice in 2019. The Hindi version of the act translation of the word "transgender" is mentioned as 'उभयलिंगी' which means bi-sexual.
- The law in order to be more inclusive and comprehensive should comprise of all the sub-sections of the community for example the queer community.
- A detail note giving overview of the historical presence of the transgender community by Professor Zameer Kamble is attached with this report at annexure 3.

Participants feedback on Professor Zameer Kamble 's session :

- We need to see transgender protection act with historical perspective of transgender history.
- Priya Patil mentioned that documentation of history of transgender community is very important.
- Disha Pinky Shaikh suggested for nomination of a committee for documenting the history of transgenders supported by like minded institutions.
- Disha Disha Pinky Shaikh also shared her concern about the internal harassment (harassment within the community) which is very high in the community. However the same should not be the instrument affecting the access to services. She explained it with the reference to patriarchy and family and marriage system. In spite of hierarchy and other relevant issues We still have accepted the family and marriage systems. She reiterated that Guru Chela relations are similar to mother-in-law and daughter-in-law relations.

THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019 – LEGAL ASPECTS, PROVISIONS AND APPLICABILITY – By Adv. Rama Sarode.

Adv. Rama Sarode, a law professional has been associated with the women and minority community issues and has intense experience of working on the various issues and aspects of the domestic, sexual and work place violence of the women including issues of women in sex work, sexual minorities etc.

Important points of her session:-

- We can't read this act in isolation, but need to see it in reference to the other acts and access.
- We need to consider Transgender Protection Act 2019 and its provisions in relation with other acts applicable to general society and transgenders as important section of society. E.g Right to Education applies to all the children which includes even transgenders, domestic violence should be seen as violence on transgenders in their families.
- The very important point missing in the act is it doesn't consider stigma.
- We need to focus and see how do we change our mindset/behavioural change as the first step. .
- When we say children should not be away from family – what if there is violence at home? (Here violence of Transgenders at home also need to be considered.)
- Domestic violence act speaks about women and children. Here the word children is gender neutral.
- Child rights speak about right of children as a matter of their protection. We need to see the incidences, get those reported, file the cases.
- We need to set the norms for fighting the battles in the court.
- She also reiterated and emphasised that the beginning should be made with small initiatives like study of case laws , reviewing the enabling environment which is needed for their overall development for example When we talk about the education of the transgender community , we need to take into account society preparedness with regard to services and facilities including infrastructure requirements as a part of TG friendly schools.

Participants feedback/suggestions and sharing of experiences on Advocate Rama Sarode Session:-

Priya Patil mentioned that initial bill was good, however that has not reflected into the existing act. In NALSA judgement, transgenders have right of self-identification. However the act of 2019 doesn't believe in the same.

- Prerana Waghela mentioned that there is no understanding and cooperation from the system. There were very uncomfortable questions asked to the child of transgender. It is important to work with the police department
- Adv. Rama shared that there are many acts , what we lack is the proper machinery and mechanism in place with regard to effective implementation of the act.
- Priya Patil mentioned that the need might occur of amendments in the IPC too.
- Adv. Rama briefed about another very important act related to sexual harassment at work place. Madras high court has passed a judgement about considering trans woman as woman. She also mentioned that we need to refer the Gender Gap report, learn the hypocrisy in it, which will be another battle to fight.
- Adv. Rama also shared a case from Baramati where no one was ready to have TG lawyer
- Collector Kolhapur took the first initiative of unisex toilets .The transgender community took the initiative of exclusive toilets for the transgender community at the office of Social Justice and Special Assistance Pune

- There was some differences of opinions within the community members about the unisex toilets/ exclusive toilets as it does not fit into from the perspective of mainstreaming of the transgender community.
- Adv. Rama reiterated that the small steps needs to be taken up. It is important to ensure that people of transgender community get the opportunity to work in all spectrums of the society including all establishments (including government sector) based on the fulfillment of the eligibility criteria for that particular job.
- Prerana Waghela- There is a shortage of skilled people within the community but still we can explore their participation in the developmental projects like railways and metro projects.
- Mr. N.P. Mitragotri Member Governing Council quoted about the recent decision of including transgender in the police recruitment drive. He also stated that community proactiveness with regard to the constant eye with regard to exploring the various avenues as a part of transgender mainstreaming.
- Priya Patil shared that the decision of including transgender into police recruitment drive was taken too late as a result of which very few could apply and there was very less time for the preparation of the exam. Around 50 transgender community members have applied Prunit expressed his concern that the people are not sensitized about trans-men. There is an urgent need to sensitize and orient them about the various issues of the transmen.
- Priya Patil mentioned that there is a need to develop the training modules/ manuals for sensitising the general masses about dealing with the transgender community. The Standing Operating Procedures needs to be developed and integrated as policy document.
- Disha Pinky Shaikh mentioned that the responsibility of developing such training modules/ manuals should be entrusted to the members of the transgender community.
- Anil Ukarande taking reference of recruitment in PCMC, shared that recruitment is tokenism. Ground work is not done for the same. PCMC doesn't want trans men but want trans women only. Staff sensitization as a part of homework for the recruitment drive is very necessary.
- Disha Pinky Shaikh mentioned that TG recruitments are mostly done on contractual basis and not as permanent vacancies.
- As regards TG friendly schools and the eco system for education, she suggested that transgender community members should be nominated on the syllabus committee.
- The community members showed their interest to be part of the group to sensitize the lawyers, police personnel on issues of transgenders
- Adv. Rama shared that legislation doesn't work or can not be seen independently but we will have to work with all the agencies which contribute in implementing the legislation. She also promised to support if someone is fighting for the access and provisions of Transgenders legally.
- Mr. N.P. Mitragotri Member Governing Council talked about involvement district legal aid which is a free legal aid services.
- Adv. Rama Sarode shared that there is no mention of Transgenders for free services. She also shared that present Chief Justice of India is a very sensitive person and was also on the bench of NALSA Judgement and the community representatives may write to him about sensitivity related issues of transgenders. She was confident that such initiative will be duly considered and will definitely make the difference for the community.
- Prerana Waghela mentioned that Pune district legal services authority, provides free services to the TG community.
- Adv. Rama Sarode shared that two important forums can be tapped for the sensitization i.e. YASHADA and Centre for Police Research (CPR)
- DISHA Pinky Shaikh mentioned , that along with rights, it is very important that the community knows and learns about their responsibilities.
- Mr. N.P. Mitragotri Member Governing Council reiterated that every initiatives like police training / sensitization that we pursue need to have good or strong follow up.

PANNEL DISCUSSION 1:Transgender Protection Act 2019 - Status of Livelihoods Opportunities and Challenges in Livelihoods Resource

Panel Members:

- 1)Priya Patil – Member, State Transgender Welfare Board
- 2) PreranaWaghela – IT professional representing Transgender community
- 3)Prooneet Gauda – Transman, representing Transgender Community
- 4) Soanli Dalvi – representative Transgender Community member
- 5) Sachin Adsare – Team Leader Vocation Training YARDI Solutions Pune

Facilitated By: Disha Pinky Shaikh – Representative Transgender Community Member

Initially Disha Pinky Shaikh thanked STAPI for entrusting her the responsibility of moderating discussions of the panel and requested the panel members to share their views –

Mr. Sachin Adsare – Team Leader Vocation Training YARDI Solutions Pune

- Initially moderator, Disha Pinkey Shaikh requested Mr. Sachin Adsare of Yardi CSR to share about their initiative for creating opportunity for transgender for skill training and current opportunities for them, what can be done for and with the community and challenges in it. In all this what are the challenges or benefits of TG Protection Act 2019
- Mr. Sachin Adsare shared the following –
 - Challenges – the biggest challenge for the TG community is **acceptance**, its within the community and family too. There are lot of reasons for it. We have to think how can we change the mindset of people. We all have to work together and media has a biggest role to play. LGBTQ community should be presented in a positive way by media. **Education** of TG community is also a big challenge in the context of livelihoods as many times they need to leave their houses. He also stated for a separate school for TG community members.
 - He also talked about need for mindset change of Society with regard to thinking about TG community as an abnormality, its absolutely normal.
 - TG community should get access and opportunity to all kinds of sports.
 - Mr. Sachin shared his experience that when we started working with TG, we asked them what they would like to learn, and first batch of 28 TG community members through Puneri Pride Foundation was started. The net result was it was less than expected as their struggle for survival is still on and this skill training remains secondary. However 5-6 transgenders from the first batch have started earning through the training they have received. Make-Up artist course participants are earning 10-15 thousand per month and stopped begging. which is a big change.
 - Opportunities – back-office jobs if skilled in computer sector. They will not have to wait for the society acceptance.
- Disha as moderator and community member –
 - The TG community will not agree for the separate school. They are also trying to integrate special children also into regular schools, At the time of schooling, the community members are confused about their gender identity, but we should focus on making school environment gender neutral.
 - DISHA thanked YARDI for their excellent work and contribution.
 - She further emphasised that though the offering backend/back office job is an welcome initiative and the same should be converted into willingness to work towards getting this backend initiative into front office jobs.

- In the second round the moderator asked Mr. Sachin Adsare of YARDI, what opportunities he see for trans community and what can be ideal job for trans in his opinion.
- Mr. Sachin shared that at this point of time, he would like to limit his sharing's with reference to the work and initiatives of his company.
 - He shared that there are very few corporates who take up the issues of transgenders. Yardi works with women, youth, environmental issues and is trying to include transgender community into their various activities and initiatives especially related to their livelihoods.
 - Yardi has taken initiative to increase awareness and acceptance related to transgenders for change in mindset.
 - He shared about the TG organizations and initiatives which whom they have already work and also shared if there are any other organizations interested in tying up with Yardi, they are willing to support. But such organization should have a proper plan with impact chalked out. In absence of the clarity it would be difficult to work with transgenders.
- The moderator suggested the participants to take the point shared seriously and approach Yardi with proper plan for CSR funding. DISHA also shared that community would like to become an entrepreneur with the kind of support YARDI may be interested in.
- Prerana Waghela also shared that there are many organizations who will be benefited with them.
- Mr. Sachin proposed that when the community is thinking or proposing the areas of amendments in the act, it has been recommended the amendment for making financial provisions for enterprises or businesses of community members. Presently Mudra loan and such facilities are not easily available for transgenders, and that's the reason such amendments are important.

ProneetGauda – Transman, representing Transgender Community

- The moderator, Disha asked the next question to ProneetGauda to speak about transmen. Disha also shared that many times accepting transmen becomes very tough even for transwomen. Being transwoman, for initial few days of life, they have enjoyed the benefits of being man, but for transmen there must be much more challenges. How the act considers or doesn't consider transmen? and how?
- Proneet shared –
 - Proneet shared that from childhood he never liked to live the life like a girl and could wear clothes like boy and considered as tomboy. But as he started getting better clarity about his own self, and family and society was not with him and accepting him as boy and then the support was taken from the doctors and psychiatrists etc.
 - The act says transgender and not transman or transwoman specifically. The society understand transgenders as transwomen and not consider transmen into them. He shared that his Aadhar card says as transgender but nobody is aware that there are transmen too. So his fight is within and beyond the group or community.
 - He shared about recruitment at PCMC. It was for security guards and they considered only transwomen considering their physical presentation. Initially they took transmen but slowly they stopped it because of physical appearance. More tragedy is educational background of the transgender is not considered. All are considered only for security.
 - He also shared his concern that whether transmen would be considered for police recruitment He said the transmen community is very small and that's the reason, it's tough to fight the battle alone.
- The moderator, Disha shared that the numbers coming out are very small. Trans women community should not think like hierarchy in patriarchal society. We ourselves are part of a minority community and should not be excluding the sub group among us. It should not be as like cis gender behave with transgender community. Act should consider transmen too, and transwomen also should consider taking all the sub-categories together.

- Priya Patil made it clear that meaning of transgender is defined in the first section of act. Transmen expect society to recognize them as like men and not as transgender. It is necessary to find out whether the registration portal has the possibility of making changes.
- Priya Patil shared that in the GR related to welfare board, the mention is of transwoman instead of transgender and she has requested for representation of transmen also on the welfare board (at state level board and regional and district level committees too. She accepted that transmen's group is always differentiated, but if they want to get counted or considered, then they also need to come forward and should be able to put up their issues.
- Disha also shared that till then it is important that till then transwomen should take up their issues. These are like onion layers and all should remain together.
- For the second round of sharing, the moderator Disha asked Prooneet about how he is looking at the rights of transmen and his future plans.
- Prooneet shared, the group of trans women is bigger than that of trans men considering the numbers, and he needs to get the group of trans men visible to be able to fight for their rights. Otherwise no one is going to pay attention to the challenges of transmen.

Priya Patil – Member, State Transgender Welfare Board

- The moderator, Disha asked, Priya Patil to share about the results or work of transgender welfare board, challenges for the board and how and what the act/bill says about participation of transgenders in politics.
- Priya Patil –
 - The meetings of the welfare board are not continued by the social welfare department. The department is not functioning as they can.
 - Department of Social Justice and Special Assistance should keep having communication with the community to be able to take up the issues of the transgender community.
 - She shared about 'Beej Bhandval Yojana' and budgetary bifurcation of the money available to welfare board.
 - There need to have strategized plans region and district wise.
 - District level committees are not formed more than 10-12 districts, regional boards are also not formed in every region . The Konkan region board is formed.
 - Many times, officers don't respond.
 - It is important to note that this community is excluded for 75 years. They are don't have basic provisions like education, employment and other progress is at stake.
 - The board and committees are for the Transgenders.
 - Participation of transgender community into the politics as per the act - In the act there is nothing about reservation for the community and that's the reason there are no specific provision for the community in politics and so that there is no inclusion yet.
 - Work of welfare board uptill now – the initiative for separate wards for the transgenders in the hospitals has taken place when Dr. Rajesh Tope was the minister of Health. she mentioned that the separate ward for Transgenders will be inaugurated at GT hospital Mumbai in next month. Similar initiative is planned for Sassoon Hospital. The other initiative thought about it sex reassignment surgery to be included in Ayushman Bharat Yojana.
- Disha mentioned that She has good experiences of Social Justice department.
- The community members expressed their willingness for offering help desk type of support to the Social Justice department as a part of hand in hand partnership and co-ordination .
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- For the second round of sharing, moderator Disha asked Priya to share her views about the CBO leadership .Priya shared that transgender movement started because of MSACS and MDACS TI specific projects. The Transgender targeted intervention projects have specific nature of work and interventions as a result of which other issues of community got sidetracked. However some selected

individual leaders took this movement ahead. She suggested such CBOs having TI projects should think through beyond HIV/AIDS prevention.

Prerana Waghela – IT professional representing Transgender community

- The moderator, Disha asked PreranaWaghela to share about her experiences and journey working with police and other stakeholders and their stake and role in the transgender protection act.
- PreranaWaghela –
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 - Prerana Waghela shared about the experience of non-acceptance of a trans child when she got interested into these issues. She attended para-legal workers training, tried to understand legal framework and started her work.
 - Many times there is violence to the community members like violence at family, partner violence, community violence. She started thinking about how it can be responded, in which structure it can fit. She had discussions with district judges also about it.
 - She shared that they also are of the opinion that there is no clarity in law. There are certain things which have no clarity and are vague. The laws related to women in such cases need to be applied. She also mentioned that there are some positive examples also.
 - She made the following suggestions :-
 - At police department / chowky, there should be a trans person / bench to deal or handle crises response. Approaching Police for handling crisis situation is tough due to stereotypes and biased opinions.
 - There has to be a platform / forum like crisis response committee to timely respond the crises on transgenders.
 - Sensitization of new PSIs.
 - Betterment and justice of transgenders need to keep in mind.
- In the second round of sharing Preranaji was asked about how she sees livelihoods and community?
- Prerana shared some of the challenges and ground realities such as that the transgender community don't have skilled labours. It is an unorganized sector, people don't trust on the talent of our community. Education and literacy levels are low. The mindset of the local leaders funders and donors is also a challenge. But we need to constantly explore the opportunities. We may need to develop some entrepreneur model for the community.
- Prerana also shared that the community doesn't want to play gender cards, we want to get evaluated on meritocracy. We need to develop linkages of CSR funding with our CBOs. We have to see how we can promote diversity in corporate sector. We have to see upcoming projects, recruitments and explore the possibilities of recruitments at various levels. Challenging frozen mindsets is important. We need to strengthen our economy, should be able to contribute in national income.

Soanli Dalvi – representative Transgender Community member

- The moderator, Disha asked Sonali Dalvi, what change can be seen post 377 and what changes we can see with this 2019 protection act..
- Sonali Dalvi –
 - There are not much benefits of this new act. Our issues remain the same, we still do not have many rights like same sex marriages, property rights, child adoption, surrogacy option,
 - Till the time we are able to access our rights, these certification and things are of no use.
 - She proposed as like Telangana, there has to be separate transgender protection act for Maharashtra.
 - Provisions in current act doesn't match with basic human rights – eg. If woman is raped, the minimum punishment is of 2 years and if a transgender is raped the minimum punishment is of 6

- months. It should not be like that. Rape is Rape, whether the victim is male or female or trans. And law should be equal for all.
- The act says, trans child should stay with family only, not in guru-chela system. Transgenders would also love to stay with family, but most of the times the violence at family is very severe and that's the reason you will not see TGs staying with families.
- To challenge the act we need to approach supreme court and many resources are required for that like time, money etc.
- Moderator summed up the sharing of Sonali Dalvi by saying such forums should be able to pull together the resources.
- In the second round to share, Sonali Dalvi was asked the question about challenges in Pune to work with the community and coordinating with social welfare department.
- Sonali Dalvi shared that first of all we took initiative to construct special toilets for transgenders. There are still challenges in transgender certification. She shared that it has been observed that whenever there are meetings at social welfare depart, no police representative is present for such meetings. so our issues remain unaddressed.

Ms. Sangita Dawkhar –

- Ms. Dawkhar appreciated the initiative by STAPI.
- She also shared that the amendments are really required in the act.
- She shared that they try to address the issues of transgenders by coordinating with other departments also. She shared the example about a letter to Sassoon Hospital for reservation of beds, COVID-19 vaccination initiative, camps for inclusion in voting list. She also mentioned that the response to the voter ID camps, but there is demand for ID cards for transgender and there seems to be a contradiction.
- Moderator, Disha shared that MSACS has all the data available, transgenders are registered with them under TI intervention projects. We may access the data from them. She also shared about the issue of migration among transgenders. Disha shared that both are the government departments and thus getting data and information from MSACS/MDACS is not that difficult.
- Dawkhar madam shared that they have set the system. There is Kailaswasi Ankushrao Landage Shaikshanik Samajik Trust (Director, Mr. More) .
- Moderator, Disha Ji suggested that local Transgender community, local Targeted intervention projects and transgender CBOs can be of great help for transgender certification.
- Ms. Sangita Madam suggested that transgender could be linked with the skill training services.
- Disha ji shared that inspite of having good CIBIL score, the community members are not able to access the loan.
- Ms. Sangita madam shared that Govt is ready to support transgenders in all the ways possible through trainings and placements.
- Mr. Sachin Adsare shared that they provide skill trainings, and there are many service providers. . However if the community members don't have money or financial assistance for business, then they get back to square one even after getting trained.
- PreranaWaghela mentioned that only skill training will not suffice the need, but post skill-training they need support for actual business, marketing and if that is not provided, then skill training is a dead investment. It is important to see beyond skill training also.
- The moderator shared that we need to see it case by case. Uptill now transgender community was working through NGOs and now they are aspiring for developing the CBO leadership. we have to think beyond the typical skill training and shared about the skills like Paithani weaving, fish rearing, welding, strawberry farming etc.

Mr. Sagar Kabra, Director operations of GTT Foundation Pune put forth following points related to the discussions in this panel. He shared –

- He never thought of and was aware about such a educated community. He mentioned that young community members of future generations will have more aspirations.
- He shared GTT foundation first time started project in Chennai and they have started working with 100 transgenders there and out of that around 85 are either are salary /wage employed.Few more case studies may come and those can be more positive and motivating.
- He shared that from the discussions, he realised that more the sympathy, the community needs empathy and support. Now we need to think about equity than equality.
- It is responsibility of each and every one to educate people, masses about transgender community and their issues, for the enhanced societal acceptance.
- We need to think through for backward and forward linkages, market linkages and not just the skill based training. We need to provide entrepreneurial skills. (Its our responsibility). He shared on behalf of his organization that they would like to provide such services to transgenders as like women members.
- CSR also needs to get sensitized. The money available is not only for youth, women, children but should get equally divided to all the needy components of the society. For that we should work on PPP model i.e. public private partnership as things would not happen by any one entity. It needs joint efforts, private players should also be there and take responsibility.
- He thanked STAPI for bringing together like minded people through this consultation There are many consultations happening at many places, but more practical and meaningful discussions have taken place at STAPI.

Moderator, Disha Pinkey Shaikh thanked all the panelists, representatives of social welfare department for their time and valuable inputs and to the participants for their patient hearing .

PANNEL DISCUSSION 2: Transgender Protection Act 2019–Suggestions and recommendations regarding livelihoods resources

- 1) Mr. Rajendra Kadam Patil – Deputy Commissioner, Social Justice and Special Assistance Govt of Maharashtra
- 2) Ms. Sangita Dawkhare - Regional Assistant Commissioner, Social Welfare
- 3) Mr. Shrikant Koregaonkar-Lead District Manager, Bank of Maharashtra
- 4) Mr. Asang Patil – Deputy Social Development Officer, PMC
- 5) Ms. NetraliYevale – Social Welfare Inspector
- 6) Mr. H. S. Nalawade – Skill Development, Employment & Entrepreneurship Guidance Officer District Pune

Facilitated By : Anil Ukarande–representative – YUTAK, organization for sexual minorities

Mr. Anil Ukarande of YUTAK moderated panel 2.He introduced all the panel members. He appreciated initiative of social welfare to have separate washrooms for transgenders at PMC and also appreciated PCMC for becoming 1st in recruitment of Transgenders in PCMC.

To begin the panel discussion, Anil asked all the panelists to share how many of transgender are recruited in their respective offices or departments.

The sharing followed by discussion began with Mr. Asang Patil, Dy. Social Development Officer PMC

- As an employee, no one yet. We don't have such instructions too. He also shared that he is not an authority for recruitment.
- PMC impart free of cost trainings, but no one has participated yet in such trainings.
 - He also shared that his department implements welfare schemes, and from next year they are launching schemes like provision of Rs. 1000/- per transgender community member for health issues and night shelter for transgenders.

Ms. Sangita Dawkhare – Assistant Commissioner, Social Welfare Department –

- Recruitment is not in our hands or we are not recruiting authority, but can share that uptill now there is not a single transgender recruited in our department yet.

Mr. Rajendra Kadam Patil – Add. Commissioner, Social Welfare Department, Maharashtra shared about initiatives of social welfare department, police recruitments etc.

Mr. Shrikant Karegaonkar – Lead District Manager, Bank of Maharashtra

- Bank recruitments take place at central level. He accepted that we need to fight for recruitment of transgenders at various levels.
- He shared that an individual can try applying on IBBS portal, He also agreed to guide the community members when the new recruitment drive by Bank of Maharashtra will take place.
- He shared that personally he will surely support in the areas wherever possible.
- Disha asked him if option of others is there in the application form? To which Mr. Karegaonkar shared that its not there, and we should try for that.
- Mr. Karegaonkar shared about services and provisions in Banking sector as being Lead District Manager-
 - Through R-SETI there is initiative of skill development. In Pune, there are 3 R-SETIs functional – 1 supported by Bank of Maharashtra, supported by Bank of Baroda which covers Hadapsar Area and third one is supported by Canara Bank covering WadgaonMaval.
 - LDM shared that they would support if any special batch of skill training for transgenders is to be conducted.
 - With such a skill training, own enterprise / business can be started
 - He shared that gender issue should not be the barrier for loan approval. Documents like Aadhar and PAN should suffice the requirements.
 - He shared about State level Bankers committee, and District level coordination committee of banks at each district and being LDM powers to coordinate or control small loans. He assured that if someone is eligible, interested and willing, he will cooperate.
 - Simran Singh community volunteer from Kinnar Asmita, shared her experience that she didn't get loan for her enterprise. She shared that she has credit card and operates through that but couldn't get loan.
 - Mr. Karegaonkar shared that when such incidents of refusal occur, please ask for reason for the same in writing. He shared that literacy should not be barrier for any of such procedures.
 - Disha also shared her experience of non-cooperation for closing the account in SBI. She requested for initiative to put the option of others in all the applications and forms of the banks
 - Prooneet shared of good experience of SBI, whereas HDFC bank is asking for Gazetted notification and asked why there are different rules and procedures.
 - Mr. Karegaonkar shared his contact details and assure of support related to access and services of banking system.
 - He assured to provide support in other districts too as he has some contacts with other bankers too.
 - He thanked all for the opportunity to participate in this consultation and share various banking provisions and access for transgenders.

Mr. Rajendra Kadam Patil – Additional Commissioner, Social Welfare Department, Maharashtra –

- He requested to take up all the issues in an orderly manner.
- Priya Patil shared about non formation of district level committees in many districts as a part of Transgender Welfare Board and about the non conduct of the meetings.
- Priya also shared that there is no coordination among the members, officers do not remain present for the meetings whenever they happen and the issues of transgenders are overlooked.

- She also shared that reservation and such issues are to be with social justice department, but the community is thrown to social welfare department and have become an additional burden to them.
- Mr. Kadam Patil suggested not to have negative approach related to all the issues and experiences.
- Priya Patil shared about the release of grant under the transgender welfare board (grant disbursement to the NGOs which are not known to community) and there is no clue where the money is spent)
- Mr. Kadam Patil suggested that the details of such information can be accessed through RTI.
- Disha shared that she being on the welfare board also do not have access to such information (We can thus imagine what can be the situation/position of other community members about the access to information)
- DISHA also shared that whenever convenient the community members are considered and expected to behave and function as CBO but when the issue is of finances, then people don't want the CBOs
- She shared that transgenders and welfare board etc is additional burden on social welfare department.
- The transgender community was earlier under the purview of women and child welfare department of Govt of Maharashtra.
- Mr. Kadam patil agreed that transgenders to be considered as one of the segment of the society. They should maintain unity among themselves. Whenever needed they can access information under RTI, media is there to support them, but unity among the community members is very important and that will surely help.
- Parinita Kanitkar Chief Executive STAPI shared that community is ready and willing to work with the concerned Govt departments and the stakeholders.
- Mr. Kadam Patil showed his willingness to support in the areas of district wise details related to committees, its meetings and districts based issues.
- Disha requested for awareness sessions with social welfare department also about the issues of transgenders, to which Mr. Kadam agreed.

Mr. Asang Patil – Deputy Social Development Officer, Pune Municipal Commissioner was asked about the new provisions for the new year

- He talked about the following proposed schemes –
 - Seed money of Rs. 10,000/- for small enterprise
 - Primary health care – provision of Rs. 12,000/- per year for the Transgenders above 45 years of age
 - Night shelter – accommodation for homeless transgenders
- Priya Patil shared about no social protection to Garima Griha. Funding is not there for so many months. She suggested to have some sustainable model.
- Mr. Patil shared that proposed shelter is planned at the own property of PMC.
- Prerana Waghela assured support of local donors and would like to link them for continuity and sustainability of the services
- Disha Pinky Shaikh put forth that Garima Griha is not a permanent solution, and some times the community members are harassed there also. She also proposed that social welfare department has hostels and there are government hostels of other Govt and Govt Apex Organisations. One or more rooms can be kept reserved for Transgender community members.
- Disha also shared a fact that many times it is seen that residential or child care institutions make sure that all the children are not adopted. Same things shouldn't happen in case of shelter homes for transgenders.
- She also shared not to think emotionally about the issues of transgenders but need to think practically about it.
- Mr. Patil shared that social change will take place but it will happen with its own pace. The worries shared by all are obvious. He promised to involve the community members for finalising certain things and as soon as possible.

Mr. H. S. Nalawade – Skill Development, Employment & Entrepreneurship Guidance Officer District Pune was asked to share where and why are we lacking in involving Transgenders in programmes like skilling?

- He shared that he can't take policy level decisions (like recruitment). But they have skill courses where Transgenders can participate. He also shared that they will try for employability of the transgender community members.
- Mr. Nalawade shared that they have approached NGOs but should approach TG CBOs for their participation.
- He also shared that he understands the genuine concern of the participation of transgender community and he will make sure that it reaches to his seniors.
- Priya Patil shared there should not be a separate batch for transgenders, but they should be included / admitted into the regular batches. Mr. Nalawade agreed to it and promised that he will make efforts in those areas on immediate basis
- Simran Singh shared that the skill and employability should go hand in hand.
- Mr. H. S. Nalawade promised to take up these issues to his seniors.
- Disha Pinky Shaikh put the question related to seed money for entrepreneurship and raised the concern that which enterprise can be started in Rs. 10,000/-

Mr. Prabhat Deo of SIDBI shared about provisions and support they can provide –

- SIDBI is Small Industrial Development Bank of India
- He accepted that they will need a lot to come to his point of access for support and also gave some suggestions.
- He also shared to put forward the issues of Transgender Community to Hon Prime Minister of India for the Maan Ki Baat

Anil Ukarande thanked all the panel members for their honest and genuine sharings and promises to contribute, support and take up the transgender issues ahead in best of their capacities.

PLAN OF ACTION AND WAY AHEAD:

Toward the end of the consultation, participants mentioned that it was a very fruitful discussions through out the overall consultation.

Prof. Zameer Kamble shared that synergy of day long deliberations and discussions should get reflected into some strong action. The collective action through formation of core group irrespective of the organizations we represent, irrespective of the political parties we represent and only focusing on the community would be an ideal proposition. Prof. Zameer also mentioned that he is ready to take up any such responsibility.

Prof. Zameer asked how many have read the act carefully and understood it properly? If not so, then we can even start reading the act together, understanding it together and be on the same page. Priya Patil suggested that one chapter can be ready at a time for better understanding of the act.

Prerana Waghela mentioned that it can be a small compact core group, meeting monthly or quarterly, and no replacements for such meetings. Prerana Ji also suggested to pick up ¾ areas or subjects which can be considered as low hanging fruits and can start initiative on that.

Parinita Kanitkar Chief Executive STAPI with the consent of Governing Council STAPI announced that STAPI is ready to provide its premises for such meetings and deliberations with the facilities available with STAPI.

Disha Pinky Shaikh suggested to involve people from other districts also, may be representatives of the welfare board.

VOTE OF THANKS:

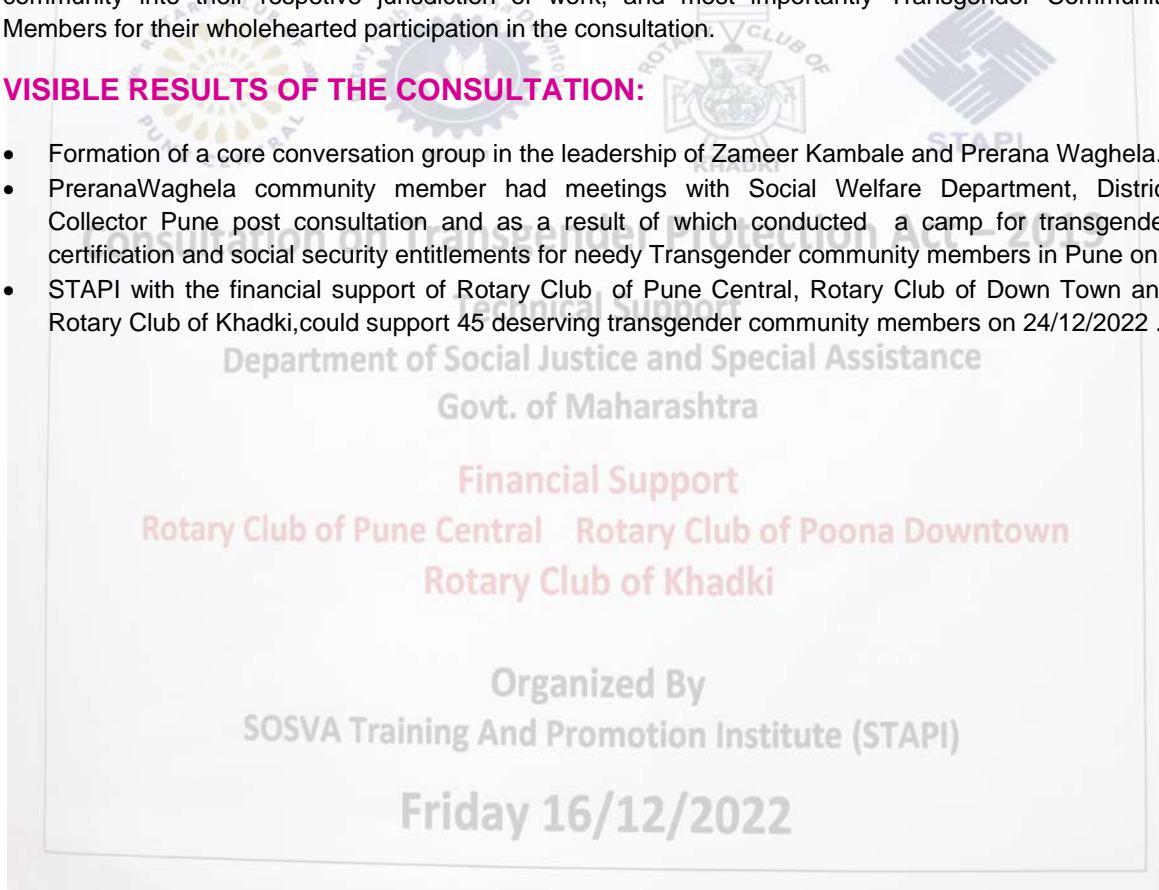
Parinita Kanitkar Chief Executive STAPI put forward the views expressed by Mr. Bindu Madhav Khire of Bindu Queer Rights Foundation and Ms Nita Kene Founder of Kinnar Asmita . She thanked both of them for sharing their views with STAPI.

Disha Pinki Shaikh and other participants thanked STAPI for such initiative to bring together the representative and creating a platform for very important issue of Transgenders which is livelihoods and that too in the context of the current Transgender Protection Act 2019.

Rahul Kamble of STAPI thanked all the participants for their participation, contributions and enthusiasm, all the stakeholders, including Rotary Club of Pune Central, Rotary Club of Down Town and Rotary Club of Khadki, Government Officials, GTT Foundation, YARDI Foundation, Lead District Manager Bank of Maharashtra and SIDBI for their presence and willingness to take up the issues of transgender community into their respective jurisdiction of work, and most importantly Transgender Community Members for their wholehearted participation in the consultation.

VISIBLE RESULTS OF THE CONSULTATION:

- Formation of a core conversation group in the leadership of Zameer Kambale and Prerana Waghela.
- Prerana Waghela community member had meetings with Social Welfare Department, District Collector Pune post consultation and as a result of which conducted a camp for transgender certification and social security entitlements for needy Transgender community members in Pune on .
- STAPI with the financial support of Rotary Club of Pune Central, Rotary Club of Down Town and Rotary Club of Khadki, could support 45 deserving transgender community members on 24/12/2022 .



ANNEXURES:

Annexure 1

List of Participants

Rotary Clubs:

Sr. No.	Name of the Participants	Organization	Designation	Contact Number and Email ID
1	Dr. Kriti Kelkar	Rotary Club of Khadaki	President	9823109388 Kelkar.kirti@gmail.com
2	Ms. Latika Khatun	Rotary Club of Khadaki	Member	9552592695 lmkhatan@gmail.com
3	Ms. Parvin Sadekar	Rotary Club of Poona Downtown	Director – Service Projects II	9370299535 sadekarparvin@hotmail.com
4	Ms. Pallavi Sable	Rotary Club of Poona Downtown	District Director – Medical Projects, Director – Youth Services	9823060757 Pallavi.sable@hotmail.com
5	Ms. Veera Bhathera	Rotary Club of Poona Downtown	Member	9049988685
6	RTN. Aashima Agashe	Rotary Club of Poona Downtown	Director – Public Image	9890998096 aashimaagashe@gmail.com
7	Rtn. Uday Dharmadhikari	Rotary Club of Pune Central	President	9820137858 Uday.xcpc@gmail.com
8	Rtn. Madhav Borate	Rotary Club of Khadki	Past Governor	9822052618
9	Rtn. Brigadior PMK Raja	Rotary Club of Pune Central	Director – Service Projects	9923103299 pkmraja@gmail.com
10	Rtn. Lekha Nair	Rotary Club of Pune Central	Vice President	9975319303

Facilitators:

Adv. Rama Sarode	Sahayog Trust	9822532137 ramasarode@gmail.com
Prof. ZameerKamble	Savitribai Phule Pune University.	9834594872 zameerkamble@gmail.com

Government Departments:

Sr. No.	Name of the Participants	Department	Designation	Contact Number and Email ID
1	Mr. H. S. Nalawade	Skill Development & entrepreneurship Guidance Centre Rasta Peth, Pune	Skill Development & Entrepreneurship Guidance Officer	9422404262 punerojgar@gmail.com
2	Mr. Asang Patil	Social Development Department, Pune Municipal Corporation	Dy. Social Development Officer	9689931965 sdd@punecorporation.org
3	Ms. Alka Gujanal	Social Development Department, Pune Municipal Corporation		7774050635 9637105899
4	Ms. Sangita Dawkhari	Social Welfare Department	Asst. Commissioner, Social Welfare	9096604830 Sangita.dawkhari@gmail.com
5	Ms. Netrali Yewale	Social Welfare Department, Pune	Social Welfare Inspector	7066085701 acswoipune@gmail.com
6	Mr. Shrikant Karegaonkar	Bank of Maharashtra	Lead District Manager	9860388823 ldmpune@mahabank.co.in
7	Ms. Laxmi Waghmare	SIDBI	SIDBI Development Executive	7083008935 laxmiw@sidbi.in
8	Mr. Prabhat Deo	EDII - SIDBI	Manager, Maharashtra	7338901922
9	Mr. Ravindra Kadam Patil	Social Welfare Department, Pune	Deputy Commissioner	9822418056
10	Mr. Devanand Meshram	Social Welfare Office	Social Welfare Inspector	9373952928

SOSVA Training And Promotion Institute (STAPI)

Friday 16/12/2022

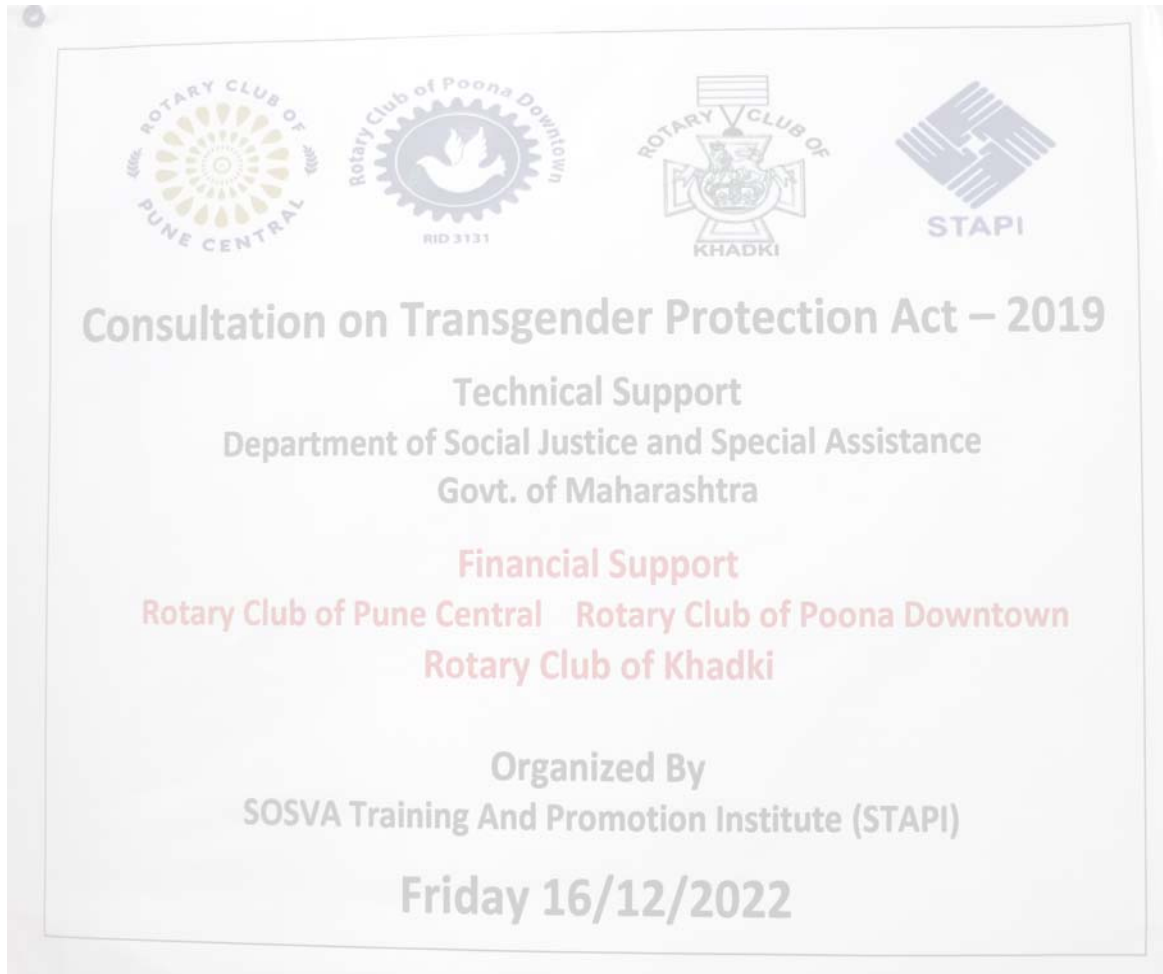
Consultation Schedule

December 16, 2022

Time	Subject	Resource Person/Responsible Person
09.30-10.00	Registration & Tea	Representative of SOSVA Training and Promotion Institute
10.00-10.30	Welcome & Background of the consultation	Representative of Governing Council STAPI Representative of Transgender Community
10.30-10.40	Address by Rotary Club of Poona Down Town	Officials of Rotary Club Poona Down Town
10.40 - 10.50	Address by Rotary Club of Pune Central	Officials of Rotary Club Pune Central
10.50-11.00	Address by Rotary Club of Khadki	Officials of Rotary Club Khadki
11.00-12.00	Transgender Protection Act 2019 Background and Brief Discussion	Professor Zamir Kamble Savitribai Phule Pune University
12.00-01.30	Introductions Transgender Protection Act 2019	Adv. Rama Sarode Founder Member, Sahyog Trust Pune
01.30-02.00	Lunch	
02.00-03.00	Transgender Protection Act 2019 Status of Livelihoods Opportunities and Challenges in Livelihoods Resource	Panel Discussion- 1 Representative Transgender Welfare Board Transgender community representative
03.00 - 04.30	Transgender Protection Act 2019 Suggestions and recommendations regarding livelihood resources	Panel Discussion - 2 1. Deputy Commissioner Social Welfare Maharashtra State 2. Assistant Commissioner Social Welfare Department Pune 3. Assistant Director Skill Development Employment and Entrepreneurship Divisional Pune 4. Representative of Transgender Welfare Board 5. District Supply Officer Food and Civil Supplies Department Pune 6. Assistant District Supply Officer Food and Civil Supplies Division Pune 7. Deputy Commissioner Social Development Department Pune Municipal Corporation 8. Deputy Commissioner Urban Development Department Pune Municipal Corporation 9. Deputy Commissioner Social Development Department Pimpri Chinchwad Municipal Corporation 10. Deputy Commissioner Urban Development Pimpri-Chinchwad Municipal Corporation 11. District Planning Officer Pune District 12. Representatives of Lead Bank 13. Representatives of Transgender community
04.30 - 04.45	Tea	
04.45-05.15	A brief synopsis of the consultation Plan of Action and Way Ahead	Smt. Parinita Kanitkar Chief Executive, SOSVA Training And Promotion Institute (STAPI)
05.15-05.30	Vote of Thanks	Mr. Rahul Kamble Program Officer, SOSVA Training And Promotion Institute (STAPI)

Annexure 3: Sharing by ZameerKamble

Snapshots:



सर्वप्रथम मी आभार मानू इच्छितो. सध्या सगळीकडे पारलिंगी समूहाच्या प्रश्नांवर चर्चा होत आहे. अनेक सरकारी विभाग आणि अनेक NGO ही चर्चा घडवून आणत आहेत. हा माझ्यासाठी एक महत्वाचा बदल आहे आणि त्याचे मी मनापासून आभार मानतो. त्यातही अशा होणाऱ्या कार्यक्रमांना दिखावेपणाचा रंग येण्याची शक्यता असते. परंतु स्तापी एक अशी संस्था आहे, जिला खरंच या समूहाचे प्रश्न जाणून घ्यायचे आहेत, ते सोडवण्यासाठी काहीतरी करायचे आहे. म्हणून हा कार्यक्रम आखताना, जवळ जवळ महिनाभर आम्ही एकत्र येऊन पारलिंगी आणि एलजीबीटी विषयांचा अभ्यास करत होतो. त्या अभ्यासाचा, त्या चांगल्या हेतूचा एक चांगला परिणाम आजच्या चर्चेतून होईल अशी मला खात्री वाटते. मला पहिला वक्ता म्हणून मान दिल्याबद्दल धन्यवाद.

भारतात २०१९ला पास झालेल्या Transgender Persons (Protection of Rights) Act विषयी आज दिवसभर आपण चर्चा करणार आहोत. मी ह्या Actची थोडी ओळख करून देणार आहे आणि त्याची पार्श्वभूमी मांडणार आहे.

हा जो २०१९ ला आलेला Act आहे, तो अनेक काळाच्या आधुनिकता, लोकशाही, मानवाधिकार समिती आणि एलजीबीटी चळवळीच्या मेहनतीचे फळ आहे. आधुनिकता हा फ्रेंच राज्यक्रांतीनंतर उदयास आलेल्या प्रबोधन आणि स्वातंत्र्य, समता, बंधुभाव या मुल्यांचा काळ आहे. दुसऱ्या महायुद्धानंतर उत्तर वसाहत काळात अनेक देशांनी लोकशाही मार्ग अवलंबला आणि त्याच लोकशाहीमध्ये मानवाधिकार नावाचे चर्चाविश्व प्रस्थापित झाले. मानव अधिकार चर्चेचा इतिहास हा पहिल्या आणि दुसऱ्या महायुद्धात झालेल्या जीवितहानी आणि नाझीकाळात ज्यू लोकांवर झालेल्या अत्याचाराचे पापक्षालन म्हणून सुरू झाला, मात्र ह्याच काळात झालेल्या समलिंगी आणि पारलिंगी लोकांवरील अत्याचाराचा मानवाधिकार चर्चेला सोयीने विसरही पडला होता.

परंतु, अनेक वर्षांनी का होईना, २००६ मध्ये इंडोनेशियाच्या योग्यकर्ता नावाच्या शहरात मानवाधिकार समितीच्या बैठकीत एलजीबीटी समुदायाच्या हक्कांवर चर्चा झाली आणि त्या चर्चेतून काही योग्यकर्ता principles नावाची मार्गदर्शक तत्त्वे सर्व देशांसाठी मांडली गेली. ह्या तत्त्वांमध्ये २०१७ ला अजून सुधारणा करण्यात आल्या.

ह्याच कालखंडात म्हणजे २००९ ला भारतीय कायद्यातील कलम ३७७मधील समलैंगिक आणि पारलिंगी लोकांना गुन्हेगार ठरवणं असंविधानिक आहे असा दिल्ली हायकोर्टाने निर्णय दिला. मात्र २०१३मध्ये ह्याच निर्णयाला सुप्रीम कोर्टात आव्हान दिल्याने तो पुन्हा पूर्ववत करण्यात आला आणि parliament ने ह्यावर निर्णय घ्यावा असेही सुचवले गेले. सरकारकडून ह्याबाबत काहीही निर्णय न आल्यामुळे २०१६ला पाच जज लोकांची समिती नेमली गेली, समितीने वर्षभर एलजीबीटी कार्यकर्ते, वकील आणि शोषित यांच्याकडून त्यांचे प्रश्न, त्यांच्या समस्या जाणून, समजून घेतल्या आणि शेवटी २०१७ला “परस्पर संमतीने केलेल्या लैंगिक संबंधांना” कायदेशीर ठरवून ऐतिहासिक निर्णय दिला.

कलम ३७७ वर चालू असलेल्या घडामोडींच्या ह्याच कालखंडात, म्हणजे २०१४ला सुप्रीम कोर्टाने अजून एक ऐतिहासिक निर्णय दिला, ज्याला आपण **Nalsa judgement** म्हणून ओळखतो. वंचितांच्या

हक्कांसाठी कार्यरत असणाऱ्या National Legal Services Authority ने दाखल केलेल्या याचिकेवर निर्णय देत सुप्रीम कोर्टाने पारलिंगी व्यक्तींना तृतीयपंथी म्हणून ओळख दिली.

कलम ३७७विरुद्ध युक्तिवाद करताना एलजीबीटी कार्यकर्ते आणि वकील भारतीय संविधानातील लोकशाही मूल्यं जपणाऱ्या मुलभूत अधिकारांचा तर **Nalsa judgement** मानवाधिकार समितीच्या योग्यकर्ता तत्वांचा दाखला देत होते. म्हणून मी Transgender Act आधुनिकता, लोकशाही, मानवाधिकार आणि एलजीबीटी चळवळ यांच्या मेहनतीचे फळ आहे असे मानतो.

ह्या सगळ्या जमेच्या गोष्टी असल्या तरी एक एलजीबीटी व्यक्ती, अभ्यासक आणि कार्यकर्ता म्हणून मला कलम ३७७ वरील निर्णयात, Nalsa judgement मध्ये आणि आत्ताच्या Transgender Actमध्ये काही मुलभूत त्रुटी जाणवतात. ह्या त्रुटी गंभीर आहेत कारण त्या आपल्या समाजातील संस्कृतीतील आणि इतिहासातील आपल्या मानसिकतेत खोलवर रुजलेल्या पितृसत्तेचे, म्हणजेच भारतीय समाजातील लिंग-लिंगभाव-लैंगिकतेवरील राजकारणाचेच प्रतिबिंब आहेत.

मला वाटते, Transgender Act आणि त्यातील सकारात्मक व नकारात्मक बाजू समजून घेण्यासाठी, त्यांवर ठोस उपाय आणि कृती सुचवण्यासाठी आपल्याला समलिंगी आणि पारलिंगी व्यक्तींच्या शोषणाचा भारतीय समाजातील इतिहास समजून घेणे फार गरजेचे आहे.

समलिंगी आणि पारलिंगी व्यक्तींचे अस्तित्व हे दोन विरोधाभासी वैशिष्ट्यांनी नटलेले आहे, एक म्हणजे अतिदृश्यता (**hypervisibility**) आणि दुसरे म्हणजे अदृश्यता (**invisibility**). आपल्याला कोणी विचारले की तुमच्या देशात तृतीयपंथी दिसतात का तर आपण म्हणू हो, दिसतात की, रस्त्यांवर, ट्रेनमध्ये, बसमध्ये, बाजारात भीक मागताना दिसतात तर समारंभांमध्ये नाच-गाणे करताना दिसतात, आणि हो, आमच्याकडे तृतीयपंथी झगमग साडी नेसतात, भरपूर शृंगार करतात आणि भरपूर दागिने घालतात आणि पार रामायण-महाभारतापासून त्यांचा उल्लेख असल्यामुळे आमच्या देशात तृतीयपंथी न दिसण्याचा प्रश्नच येत नाही. तर हे झालं आपलं पाहिलं वैशिष्ट्य – अतिदृश्यता – **hypervisibility**. किंबहुना एलजीबीटी अस्तित्वाच्या इतिहासात समलिंगी, द्विलिंगी, उभयलिंगी आणि अलिंगी लोक दिसणं तुलनेने जास्त अवघड आहे कारण ते लोक त्यांच्या बाह्यरूपावरून ओळखू येत नाहीत.

मात्र तृतीयपंथी लोकांचे अस्तित्व भारतीय कायद्यात कागदोपत्री मानले गेले आहे का असा प्रश्न विचारल्यावर आपल्याला एक धक्कादायक सत्य असं समजतं की भारतातील तृतीयपंथी लोकांना मानव अधिकारांचा लाभार्थी माणूस म्हणून आत्ताही म्हणजे २०१४ ला ओळख मिळाली आहे. तोवर आपण केवळ गुन्हेगार होतो, दुय्यम नागरिक! म्हणजे कागदोपत्री आपण सगळे आत्तापर्यंत अदृश्यच होतो, ना आपल्याकडे कुठले ओळखपत्र, ना बँक खातं, ना voters id, ना रेशनकार्ड, ना आधारकार्ड. हे झालं आपलं दुसरं वैशिष्ट्य – अदृश्यता.

भूतांसारखं आहे आपलं अस्तित्व. भूत अदृश्य असतं पण दिसत असल्याचा भास होतो.

तर ह्या दोन विरोधाभासी वैशिष्ट्यांच्या खेळात लपल्या आहेत पारलिंगी लोकांच्या अस्तित्वाच्या, त्यांच्या शोषणाच्या कथा आणि व्यथा. समलिंगी, उभयलिंगी, पारलिंगी आणि तृतीयपंथी यांच्या शोषणाला भारतीय समाजातील लिंग-लिंगभाव-लैंगिकता राजकारण कारणीभूत आहे. आणि ह्या राजकारणाचा इतिहास समजून घेण्यासाठी आपण त्याचे तीन टप्प्यांमध्ये विश्लेषण करून पाहूया. पहिला टप्पा : वसाहतपूर्व इतिहास, दुसरा टप्पा : वसाहत काळ आणि तिसरा टप्पा : उत्तर वसाहत काळ.

१. वसाहतपूर्व काळ

लिंग-लिंगभाव-लैंगिकता राजकारणाचा इतिहास खरे तर खूप मागे जाऊ शकतो, आपल्या माहितीच्या मर्यादेत हा इतिहास पार विश्वनिर्मितीच्या गोष्टींपर्यंत जातो. कोणताही धर्म, देश पहा त्यांच्या विश्वनिर्मितीच्या कथांमध्ये तुम्हाला स्त्री आणि पुरुष हे पहिले दोन निर्माण झालेले मनुष्य आढळतील, आणि मग यांच्यापासून पुढे सृष्टी तयार झाली अशी कल्पना केली गेलेली दिसते. थोडक्यात आपल्याला माहित असलेल्या इतिहासामध्ये अगदी सुरुवातीपासूनच आपण जगाची कल्पना स्त्री, पुरुष आणि प्रजनन ह्या तीन तत्वांवर आधारली आहे. आणि इथूनच लिंग (sex), लिंगभाव (Gender) आणि लैंगिकता (sexuality) यांचं राजकारण सुरू झालेलं दिसतं.

पुराणकाळापासून आपल्या नेणीवेत एकच मुख्य प्रवाही कथन (**grand narrative**) कोरलं गेलं आहे, की माणसांमध्ये स्त्री आणि पुरुष हेच दोन लिंग आणि लिंगभाव असतात आणि प्रजननासाठी ते उपयुक्त असतं म्हणून हे दोघे प्रकृतीने विरुद्धलिंगीच (heterosexual) असतात. अशा तऱ्हेने आपल्या संस्कृतीतही स्त्री-पुरुष हे द्वैत (binary) आणि विरुद्धलिंगी लैंगिकता हे त्रिकुटच मूळ आहे, हाच मुलभूत नियम आहे, हाच नॉर्म आहे म्हणून हेच नॉर्मल आहे, हेच standard आहे, हेच जगण्याचे परिमाण आहे अशी धारणा तयार झाली. ह्याला आपण Gender Binary आणि heteronormativity म्हणतो.

मग मनुष्यप्राण्यांमध्ये इतर लिंग (sex), लिंगभाव (gender), लैंगिकता (sexuality) नव्हत्या का? रुथ वनिता आणि सलीम किडवाई यांच्या Same Sex Love in India आणि इतर अनेक पुस्तकांमध्ये मांडलेला एलजीबीटी अस्तित्वाचा इतिहास आपल्याला हे सांगतो की एलजीबीटी व्यक्ती होत्या मात्र त्यांना नेहमी काहीतरी वेगळं म्हणून, मूळ नियमाला अपवाद म्हणून, काहीतरी विचित्र म्हणून, abnormal म्हणून नाहीतर किन्नरांना तर थेट दैवी म्हणून पाहिलं आणि मांडलं गेलं होतं.

भारतीय पुराणकथांमधील किन्नरांचं अस्तित्व पाहिलं तर आपल्याला किन्नरांच्या दैवीकरणाची उदाहरणानेही सापडतील आणि त्यांच्या शोषणाचीही. उदाहरणार्थ शिखंडी. शोषित आणि दैवी ह्या दोन टोकांमुळे किन्नरांचे भारतीय समाजामध्ये एक विशिष्ट स्थान निर्माण झाले, जे त्यांचे शोषण समजून घ्यायला गरजेचे आहे.

रामायणातली गोष्ट आपण अनेकवेळा ऐकली असेल, अनेकवेळा आपण म्हणतोही बघा, आपला पुराणकाळ किती उदार होता, पुराणकथांमध्ये किन्नरांचा उल्लेख आहे वगैरे, परंतु हा उल्लेख कसा केला आहे हे आज पुन्हा लक्ष देऊन पाहणे गरजेचे आहे. उल्लेख आहे परंतु ते तरीही अपवाद आहेत, दुर्लक्षिलेले आहेत. रुथ वनिता आणि सलीम किडवाई यांच्या Same Sex Love in India ह्या पुस्तकात पुराणकाळापासून साहित्याच्या माध्यमातून दिसणाऱ्या समलिंगी लोकांच्या प्रेमाच्या पाऊलखुणा दाखवल्या आहेत, मात्र ह्या खुणा पुसट आहेत, दाबल्या गेल्या आहेत, दुर्लक्षित, वंचित आहेत, अनेकवेळा अदृश्य केल्या आहेत, त्यांना विचित्र म्हणून मांडलं गेलं आहे, त्यांच्यावर विरुद्धलिंगी लैंगिकतेचे संस्कार केले आहेत.

अशा तऱ्हेने पुराणकाळात एलजीबीटी समूहाच्या अस्तित्वाला 'वेगळे', 'विचित्र' आणि 'अदृश्य' अशी विशेषणे चिकटली आहेत, ह्या विशेषणांमध्ये भर पडते ती अजून एका विशेषणाची, ते म्हणजे बेकायदेशीर. मनुस्मृतीमध्ये समलिंगी संभोगाला गुन्हा म्हणून नोंदले आहे आणि त्यासाठी ब्राह्मण पुरुषाला कमी तर स्त्रियांना आणि कनिष्ठ जातीतील पुरुषांना कडक शिक्षा सांगितल्या आहेत. हा अजून एक ऐतिहासिक दस्तावेज आहे, जो आपल्याला समलिंगी आणि पारलिंगी समूहांविषयी असलेल्या घुणेचा विशिष्ट इतिहास सांगतो.

दुसरीकडे किन्नरांना दैवीही मानलं गेलं आहे. त्याचाच परिणाम म्हणून त्यांच्या आशीर्वादात आणि शापात दैवी शक्ती आहे अशीही धारणा होती. किन्नरांना मुघलकाळात राजमहालात विशिष्ट पद मिळत होते. ब्रिटीश राजवटीत राजेशाहीच संपुष्टात आल्यामुळे किन्नरांना कुठेही आश्रय नव्हता. अशा वेळी ते वेगळे, विचित्र आहेत किंवा दैवी आहेत या दोन्ही मिथकांचा आधार घेऊन त्यांच्याकडे भीक मागणे, बधाई मागणे, नाच-गाणे करणे, आशीर्वाद देणे आणि शरीरविक्री करणे एवढेच पर्याय उरले होते आणि हेच पर्याय कालांतराने त्यांची संस्कृती आणि परंपराही बनले.

पुराणकथा वैश्विक असतात, कारण त्या सगळ्या संस्कृतींमध्ये आढळतात. लिंग, लिंगभाव आणि विरुद्धलिंगी लैंगिकतेचे राजकारण सगळ्याच संस्कृतींमधील पुराणकथांमध्ये दिसून येते म्हणून पितृसत्तासुद्धा वैश्विकच आहे असे म्हणता येईल.

मात्र मनुस्मृतीचे उदाहरण आपल्याला हे दाखवून देते की भारतातील पितृसत्ता ही काही विशिष्ट सामाजिक आणि सांस्कृतिक संदर्भ घेऊन येते. इतर देशातील पितृसत्ता ही जशी वर्णव्यवस्था आणि भांडवलशाहीची एजंट असते तशी ती भारतात भांडवलशाही आणि जातव्यवस्थेची एजंट आहे. मनुस्मृतीमधील समलिंगी संभोगाविरुद्धच्या नियमांना आपल्याला बाबासाहेब आंबेडकर यांच्या सिद्धांताच्या चष्यातून पाहणे गरजेचे आहे. बाबासाहेब म्हणतात, "स्त्री, हे जातीव्यवस्थेचे प्रवेशद्वार आहे." स्त्रीचा लिंगभाव आणि तिची लैंगिकता यांच्या नियंत्रणातून कुटुंबव्यवस्था उभी राहते आणि कुटुंबव्यवस्था धर्म, जात आणि भांडवल या तिन्ही व्यवस्थांची चौकट अबाधित ठेवत असते. थोडक्यात एलजीबीटी चळवळीने लैंगिकतेचे भारतातील राजकारण समजून घेण्यासाठी भारतातील विशिष्ट धार्मिक आणि जातीय पितृसत्ता समजून घेणं महत्त्वाचे आहे.

२. वसाहत काळ

भारतामध्ये ब्रिटीश राजवटीने १८७१ मध्ये कलम ३७७ नावाचा कायदा आणला होता. मुळच्या इंग्लंडमधील ह्या कायद्यात 'निसर्गाच्या विरोधात जाणाऱ्या सर्व लैंगिक कृतींना' बेकायदेशीर आणि शिक्षेस पात्र गुन्हा ठरवले होते. 'ज्या संभोगातून प्रजनन होते तो नैसर्गिक' अशा धारणेतून मुखमैथुन आणि गुदमैथुन (oral and anal sex) या लैंगिक कृतींना 'अनैसर्गिक', बेकायदेशीर व शिक्षेस पात्र समजले जात होते.

समलिंगी स्त्री-पुरुष, (lesbians /gays) पारलिंगी (transgender) आणि हिजडे, हे या कायद्याचे मुख्य लक्ष्य होते. ब्रिटिशांनी हा कायदा भारतात आणण्यामागे एक महत्त्वाचे कारण होते. भारतीय सैन्यातील पुरुष ह्यांचा अनेकवेळा समलिंगी, पारलिंगी आणि हिजडे यांच्यासोबत लैंगिक संबंध येत होता, त्यामुळे सैन्यातील पुरुषांमध्ये लैंगिक आजारांचा प्रसार वाढला होता. हे रोखण्यासाठी ब्रिटिशांनी त्यांचा आधीच अस्तित्वात असलेला कायदा भारतातही लागू केला.

तेव्हापासून आजपर्यंत LGBTQIA+ समुदायातील असंख्य लोक शतकांपासून ह्या कायद्याखाली आणि ह्या कायद्याच्या निमित्ताने भेदभाव आणि शोषणाचे बळी ठरत होते. पुराणकाळापासून चालत आलेल्या विशिष्ट भारतीय पितृसत्तेला ह्या ब्रिटीश कायद्यामुळे अजूनच बळ मिळाले. हा कायदा आज अस्तित्वात नसला तरीही त्याचा पगडा आपल्या सामाजिक नेणीवेवर कायम आहे. ह्या कायद्यामुळे समलिंगी, पारलिंगी, हिजडे इत्यादी सर्व भारताचे गुन्हेगार म्हणून दुय्यम नागरिक झाले.

ब्रिटिशांनी अजून एक कायदा आणला होता, ज्याची चर्चा फारशी होत नाही, पण झाली पाहिजे. हा कायदा म्हणजे **Criminal Tribes Act**, गुन्हेगार जमात कायदा १८७१, जो अनेक आदिवासी, जमातींना, भटक्या विमुक्तांना आणि हिजड्यांना जन्माने गुन्हेगार ठरवत होता. इथेसुद्धा भारतीय समाजात आधीच अस्तित्वात असलेला भेदभाव, उतरंड, वर्ण आणि जातव्यवस्था यांना अजून प्रबळ करणारा हा कायदा होता. थोडक्यात कलम ३७७ आणि गुन्हेगार जमात कायदा ह्यांच्या उदाहरणातून आपल्याला ब्रिटीश व्हिक्टोरियन, क्रिश्चन संस्कृतीत रुजलेल्या मुक्त लैंगिकता विरोधी मुल्यांचा भारतीय संस्कृतीतील धर्म, जातव्यवस्था चालवणाऱ्या स्त्रीच्या योनीशुचितेवर आधारित मुल्यांचा समन्वय झालेला दिसतो. पुढे १८९७ साली केलेल्या बदलामध्ये ह्या कायद्याला अजून एक उपशिर्षक जोडले गेले, ते म्हणजे "An Act for the registration of criminal tribes and eunuchs" अर्थात "गुन्हेगार जमाती आणि नपुंसकांच्या नोंदणीसाठी कायदा". ह्या कायद्यांतर्गत "नपुंसक पुरुष, स्त्रीसारखा पोशाख, शृंगार करणारे, दागिने घालणारे, रस्त्यावर नाचणारे, गाणारे" यांना विना वारंट अरेस्ट करून दोन वर्षांपर्यंत शिक्षा देण्याची तरतूद होती. वर अशा पुरुषासोबत एखादे १६ वर्षांपर्यंतचे मूल राहत असेल तर त्याला दोन वर्षांची शिक्षा देता येत होती. हे लोक लहान मुलांना kidnap करतात, त्यांचे जबरदस्तीने लिंग छोटतात असं ह्या कायद्यामागे गृहीतक होतं. एका ब्रिटीश

ऑफिसरच्या रिपोर्टमध्ये तो म्हणतो की हे किन्नर म्हणजे जनावरं आहेत आणि त्यांना तशाच तऱ्हेने वागवले पाहिजे.

३. उत्तर वसाहत काळ आणि एलजीबीटी चळवळ

एलजीबीटी चळवळीची खऱ्या अर्थाने सुरुवात माझ्यामते थोडीशी आधी होते जेव्हा र. धो. कर्वे यांनी १९२७ ते १९५३ या काळात समाज स्वास्थ्य नावाचे मासिक चालवले. ह्या मासिकात लैंगिक आरोग्य, लैंगिक संबंध, संततीनियमन आणि लैंगिक कल या विषयांवर शास्त्रशुद्ध माहिती दिली जात होती. कर्वेविरुद्ध ब्राह्मणांनी कोर्टात अनेक खटले चालवले होते आणि त्यांच्या बाजूने हे केसेस डॉ. बाबासाहेब आंबेडकरांनी लढले होते. लैंगिकतेला शास्त्रशुद्ध पद्धतीने, नॉर्मल अस्तित्व म्हणून आणि मानवी अधिकार म्हणून पहिल्यांदाच पाहिले जात होते. इथे एलजीबीटी समुदायाचा देव ते दानव ते मानव असा प्रवास झाला होता. एलजीबीटीला पहिल्यांदाच माणूस म्हणून, देशाचा समान नागरिक म्हणून पाहिलं जात होतं.

जवाहरलाल नेहरू यांनी भारताला स्वातंत्र्य मिळाल्यानंतर एका भाषणात म्हटले होते की Criminal Tribes Act हा कायदा अमानवी आहे. कोणत्याही समूहाला, जमातीला जन्मापासून गुन्हेगार ठरवणे चुकीचे आहे. नेहरूंच्या विधानातून आपल्या आधुनिक काळाची सुरुवात दिसून येते. आधुनिक काळ हा प्रबोधनाचा आणि लोकशाही मुल्यांचा काळ आहे. वसाहतींविरुद्ध सुरू केलेला स्वातंत्र्याचा, समतेचा आणि बंधुतेचा संघर्ष काळ आहे.

परंतु नेहरूंच्या विधानानंतरही भारतीय समाजात, त्याच्या जाणीवेत आणि नेणीवेत समलिंगी, पारलिंगी आणि हिजड्यांच्याप्रती रुजलेली घृणा आजतागायत दूर झालेली नाही, कारण लैंगिकतेचा प्रश्न लिंगभावाच्या, लिंगभावाचा प्रश्न धर्माच्या, धर्माचा प्रश्न जातीच्या प्रश्नांमध्ये गुंतला आहे. ह्या एकमेकांत गुंतलेल्या गाठी आहेत म्हणून त्या स्वतंत्रपणे सोडवता येणार नाहीत.

तर उत्तर वसाहत काळात स्वातंत्र्य लढ्याच्या कथनामध्ये कुठेही एलजीबीटी व्यक्तींची अभिव्यक्ती दिसत नाही. आधुनिकता आली तशी भारतीय परंपरा आणि आधुनिकता यांच्यात द्वंद्व सुरू झालं म्हणून स्वतंत्र भारताची प्रतिमा स्त्रीशी म्हणजे **Mother India**शी जोडताना भारतीय संस्कृतीतील स्त्रीला आखून दिलेल्या मर्यादा पुन्हा नव्याने आखल्या गेल्या. थोडक्यात हे जुनेच लिंग-लिंगभाव-लैंगिकता राजकारण नव्याने घर, स्त्री आणि पुरुष यांच्या मर्यादा आखत होतं. आणि ह्या मर्यादा विरुद्धलिंगी लैंगिकतेच्या चौकटीत बसवल्या असल्यामुळे अर्थातच एलजीबीटी व्यक्तींना आणि त्यांच्या आवाजांना डावललं गेलं.

अर्थात जास्त प्रभावी चळवळ यायला ८०चा दशक उजाडला. याला कारण होते अमेरिकेत समलिंगी आणि पारलिंगी व्यक्तींनी पोलिसांच्या जाचाविरुद्ध केलेला उठाव, आंतरराष्ट्रीय

मानवाधिकार समितीची प्रगती, एड्सचा प्रसार आणि त्याला रोखण्यासाठी युद्धपातळीवर उघडलेल्या NGO आणि ह्या NGOच्या समाजकार्यातून तयार झालेल्या कार्यकर्त्यांचे काम.

हे जे एलजीबीटीविषयी सुरू झालेले चर्चाविश्व होते त्याची जी दिशा होती ती एलजीबीटी व्यक्तींना ओळख मिळावी, त्यांना समाजात स्वीकारलं जावं आणि त्यांना समाजात सामावून घेतलं जावं अशा **recognition, acceptance** आणि **inclusion** या मुद्द्यांभोवती फिरत होतं. आणि माझ्यामते तिथेच ह्या चळवळीची थोडी गोची झाली आहे.

सामावून घेण्याच्या आणि समतेच्या राजकारणामध्ये काही मुलभूत फरक आहेत. सामावून घेण्याच्या राजकारणात मुख्य प्रवाह, समाजाची आर्थिक उतरंड, मूळ पितृसत्ता, स्त्री आणि पुरुष ही binary आणि विरुद्धलिंगी लैंगिकतेचे मुख्य प्रवाही नियम आणि कथन तसेच ठेवले जाते, फरक एवढाच असतो की ह्या मुख्य प्रवाहात एलजीबीटी लोकांची दखल घेतली जाते, त्यांना नॉर्मल म्हणून स्वीकारलं जातं, मात्र त्यांच्या शोषणाची ऐतिहासिक कारणं, लिंगभाव राजकारणाच्या त्रुटी तशाच ठेवल्या जातात. उदाहरणार्थ मुख्य प्रवाहातील सिनेमांमध्ये आधी एलजीबीटी पात्रांची दखलच घेतली जात नव्हती, मग त्यांना विचित्र, वेगळे म्हणून तर कधी व्हिलन म्हणून प्रस्तुत केलं गेलं, आता मात्र एलजीबीटी पात्र नॉर्मल म्हणून दाखवले जातात, फरक एवढाच आहे की ते मुख्य कथेचे मुख्य पात्र म्हणजे नायक, नायिका बनत नाहीत. फार क्वचित, मोजके सिनेमे निघतात जे फक्त एलजीबीटी पात्रांची व्यथा, प्रेम कथा मांडतात. म्हणजे एक तर एलजीबीटी कथा ही वेगळा सिनेमा म्हणून येते नाही तर मुख्य कथेत परीघावर उभी राहते.

Inclusion Politics चा हेतू वाईट नसतो पण तो वंचित लोकांना समान पातळीवर आणण्यात कमी पडतो. त्याच्यामध्ये वंचित लोकांकडे देव, दानव, माणूस म्हणून नाही तर एक **charity case** म्हणून पाहिलं जातं. त्यांना समान पातळीवर कर्तेपणाची जबाबदारी दिली जात नाही.

मानवाधिकार चर्चाविश्वाची ही आत्तापर्यंतची सर्वात मोठी कमतरता राहिली आहे. आणि हीच कमतरता आपल्याला कलम ३७७ मध्ये झालेल्या बदलात, **Nalsa judgement**मध्ये आणि आता **Transgender Act** मध्ये प्रकर्षाने दिसून येते.

उदाहरणार्थ कलम ३७७ वरील घेतलेला निर्णय समलैंगिकतेला केवळ बेकायदेशीर ठरवतो मात्र त्यांच्यावर होणाऱ्या भेदभावविरुद्ध, अत्याचाराविरुद्ध कोणत्याही तरतुदी किंवा शिक्षा सांगत नाही. **Nalsa judgement** पारलिंगी व्यक्तींना तृतीयपंथी म्हणून ओळख देतो मात्र पुरुष हा प्रथम आणि स्त्री द्वितीय हा पितृसत्ताक आणि विरुद्धलिंगी लैंगिकतेचा नियम तसाच ठेवतो.

Transgender Act बदल बोलायचे झाले तर आपल्याला जितक्या सकारात्मक बाजू दिस्त्यात तितक्याच त्रुटीही. रमाताई यावर बोलणारच आहेत परंतु मी काही गोष्टी अधोरेखित करतो ज्यातून आपल्याला समलिंगी, पारलिंगी आणि हिजड्यांच्या प्रती असलेली ऐतिहासिक, सामाजिक आणि पारंपारिक अनास्था पुन्हा दिसून येते.

४. Transgender Persons Act

मी थोडक्यात काही महत्वाच्या त्रुटी सांगतो.

१. सर्वात मोठी चूक ही आहे की हा Act पारलिंगी लोकांवर असलेला ऐतिहासिक, सामाजिक डाग लक्षात घेत नाही. तो हे लक्षात घेत नाही की तुम्ही कितीही अधिकार दिले तरी पारलिंगी व्यक्ती जे शतकांपासून सामाजिक घृणेचे बळी ठरले आहेत, स्वतःहून ह्या अधिकारांचे दावेदार होणार नाहीत, कारण त्यांच्या मनात रुजलेली समजाप्रतीची भीती, द्वेष, राग आणि अविश्वास फार खोल आहे.
२. Nalsa judgement मध्ये self identification चा हक्क दिला होता त्याच्या अगदी विरुद्ध जाणारा clause ह्या Act मध्ये सांगितला आहे, तो म्हणजे पारलिंगी व्यक्तींना स्वतःच्या ओळखीसाठी District Magistrate कडे अर्ज करावा लागेल आणि District Magistrateकडून नंतर हा अर्ज पुढे जिल्हा पातळीवरील Screening Committee कडे पाठवला जाईल आणि मग निर्णय घेतला जाईल.
३. Clause 2, subclause 3 मध्ये म्हटलं आहे, की कोणतीही व्यक्ती व संस्था पारलिंगी व्यक्तींचा भेदभाव करणार नाही. मात्र आपण सर्व संस्थांची उदाहरणे पहिली तर आपल्याला लक्षात येईल की एवढं म्हणणं पुरेसं नाही.

३.१ भेदभावाची पहिली संस्था “कुटुंब” :

कुटुंबात राहणाऱ्या आणि न राहणाऱ्या पारलिंगी व्यक्तींना कुटुंबाचे अनेक छळ झेलावे लागतात, अनेक वेळा त्यांनी कमावलेले पैसे घेतले जातात पण घरच्या कोणत्याही समारंभात त्यांना बोलावले जात नाही किंवा त्यांना समान वागणूक मिळत नाही. आता ह्या भेदभावाच्या विरुद्ध स्वतः पारलिंगीसुद्धा उभे राहणार नाहीत कारण इथे भावनिक राजकारण असतं, आपण भावनिक पातळीवर कुटुंबाला एवढे जोडलेलो असतो की नातेवाईकांनी केलेले अत्याचार अनेक वेळा लक्षातही येत नाहीत किंवा त्यांच्या विरुद्ध आवाज उठवण्याची हिम्मतही होत नाही. पुढे Clause 5 मधील १२ व्या Subclause मध्ये म्हटलं आहे की १८ वर्षाखालील पारलिंगी व्यक्तींना कुटुंब वेगळे करू शकत नाही. परंतु इथे ह्या Act ला हे लक्षात येत नाहीये की कुटुंबामध्येच पारलिंगी व्यक्तींचा अनेक वेळा मानसिक आणि शारीरिक छळ केला जातो, त्यांना बदलण्याचे अघोरी प्रयत्न केले जातात वगैरे. पारलिंगी व्यक्तींच्या प्रेम नात्यांनाही सामाजिक, सांस्कृतिक, कायदेशीर संरक्षण नसल्यामुळे अनेक पारलिंगी व्यक्तींना त्यांच्या नात्यांमध्ये domestic violence, marital rape आणि mental harassment ला सामोरं जावं लागता. अशा नात्यांमध्ये कायदेशीर काही मान्यता नसल्यामुळे नात्यातील अत्याचाराचा स्पष्ट उच्चार होत नाही.

३.२ भेदभावाची दुसरी संस्था आहे शिक्षणक्षेत्र :

Clause 6 मधील १३व्या subclause मध्ये म्हटलं आहे की सर्व शैक्षणिक संस्थांना सर्वसमावेशक शिक्षण आणि खेळ, मनोरंजन व विरंगुळ्याच्या सर्व कार्यक्रमांमध्ये सहभाग घेण्याच्या संधी उपलब्ध करून द्याव्यात. ह्या कायद्याने हे लक्षात नाही घेतले की शैक्षणिक संस्थांची दारं नुसती खुली करून काही उपयोग होणार नाही, प्रश्न हा आहे की एखाद्या शाळेत किंवा कॉलेजमध्ये मी पारलिंगी म्हणून माझ्या ह्या अधिकारावर दावा बोललो आणि मला प्रवेश मिळाला तरी माझा शाळेत व कॉलेजमध्ये टिकाव लागेल का? त्यासाठी आधी शाळा कॉलेज आणि विद्यापीठ यांचे कॅम्पस एलजीबीटी friendly आहेत का? पारलिंगी लोकांसाठी separate किंवा unisex toilets आहेत का, शिक्षक एलजीबीटी लोकांचे प्रश्न, समस्या यांच्याविषयी संवेदनशील आहेत का? इतर विद्यार्थी संवेदनशील आहेत का? स्टाफ संवेदनशील आहे का? शिक्षणातील प्रगतीसाठी काही scholarships, fellowships आहेत का? Ragging, bullying होत असेल तर त्यासाठी प्रशिक्षित समुपदेशक आहेत का? आणि सर्वात महत्वाचा प्रश्न म्हणजे, लिंगभाव किंवा लैंगिकतेचे मुख्य प्रवाही कथन बदलणे हे सर्वसमावेशक शिक्षण या धोरणात बसतं का?

३.३ भेदभावाची तिसरी संस्था : कार्यक्षेत्र :

आधीच्या मसुद्यात तृतीयपंथी लोकांच्या भीक मागण्यावर बंदी आणली होती, मग community च्या लोकांनी मोठा विरोध केल्यावर आत्ताच्या Act मध्ये भीक मागण्याला विरोध केलेला नाही. मात्र असं करण्याने मूळ प्रश्न सुटत नाही. इथे लक्षात येतंय की सरकारला पारलिंगी व्यक्तींच्या उदरनिर्वाहचा संघर्ष फारसा समजलाच नाहीये. हिजडे भीक मागतात कारण त्यांना मुख्य प्रवाहातील चांगल्या पगाराच्या नोकऱ्या उपलब्ध नाहीत. म्हणून भीक मागण्याला बेकायदेशीर वा कायदेशीर ठरवण्याने नाही तर उदारनिर्वाहाच्या चांगल्या पर्यायी संधी उपलब्ध केल्या पाहिजेत आणि त्यांचा पाठपुरावाही केला पाहिजे. भीक मागताना, शरीरविक्री करताना किंवा कुठेही नोकरी करताना पारलिंगी व्यक्तींना पोलीस, इतर नागरिक, कर्मचारी यांच्या भेदभावाला, छळाला, harassment ला सामोरं जावं लागतं, म्हणून कार्यक्षेत्रातील भेदभावाचे निर्मुलन करायचे असेल तर तसे स्पष्ट कायदे आणि शिक्षा नोंदवल्या पाहिजेत.

३.४ चौथी भेदभावाची संस्था : आरोग्य सेवा:

Clause 6 च्या १५व्या subclause मध्ये स्पष्ट म्हटलं आहे की कोणत्याही आरोग्य सेवांच्या संस्थांमध्ये पारलिंगी व्यक्तींचा भेदभाव होता कामा नये. मात्र वास्तवातील चित्र जास्त भयंकर आहे. मुळात सरकारी हॉस्पिटलमध्ये खूप गर्दी असल्यामुळे तृतीयपंथी लोकांकडे केवळ कर्मचारी नाही तर तिथे येणारे रुग्णसुद्धा रागाने आणि द्वेषाने पाहतात. याची जाणीव असल्यामुळे पारलिंगी व्यक्ती सहसा

हॉस्पिटलमध्ये जाणे टाळतात. आणि समजा त्यांना काही मोठा आजार झाला आणि त्या हॉस्पिटल मध्ये गेल्याच तरी तिथे पारलिंगी लोकांसाठी स्वतंत्र वॉर्ड नाही, स्वतंत्र toilet नाही, तेथील कर्मचारी, रुग्ण आणि डॉक्टर संवेदनशील नाही. हे सगळं भेदभावच आहे आणि ह्या प्रत्येक भेदभावाचा उपाय सुचवला नाहीये.

३.५ काही न हाताळलेले प्रश्न आणि आवाज

काही गोष्टींबद्दल Transgender Act बोलतच नाही, एक म्हणजे लिंगभाव आणि लैंगिकता एक सांस्कृतिक, सामाजिक रचित आहे म्हणून स्त्री, पुरुष आणि विरुद्धलिंगी लैंगिकता ह्या नियमाची भाषा देशातील सर्व documents वर खोडली पाहिजे. समाज, संस्कृती, धर्म, आरोग्य, शिक्षण इत्यादी क्षेत्रांमध्ये दिल्या जाणाऱ्या ज्ञानामध्ये non binary भाषा असली पाहिजे. हा एक मोठा आणि अमुलाग्र बदल आहे परंतु हा गरजेचा आहे, जोवर हा बदल होत नाही तोवर एलजीबीटी समान पातळीवर येणार नाहीत कारण सामाजिक संस्कृती बदलली नाही, मानसिकता बदलली नाही तर केवळ कायदे येऊन उपयोग नाही.

दुसरा महत्वाचा विषय जो ह्या Act मध्ये नुसताच नोंदवला आहे मात्र मुळीच हाताळला गेला नाही तो म्हणजे Intersex आणि Transmenच्या विशिष्ट प्रश्नांचा. ह्या Act मध्ये सुरुवातीला म्हटलं आहे की transgender हा शब्द एका छत्रीसारखा आहे, त्या छत्रीखाली transmen, non-binary, genderqueer आणि intersex अशा व्यक्तीही येतात. एकीकडे व्याख्या करताना इतक्या विविध व्यक्तींच्या ओळखींचा समावेश केला आहे मात्र संपूर्ण Act वाचल्यावर लक्षात येतं की त्यांच्या डोक्यात transgender म्हणजे बहुतांशी तृतीयपंथी असेच होते. एक तर सगळे intersex पारलिंगी होत नाहीत आणि दुसरे transmen लोकांच्या विशिष्ट प्रश्न, समस्या आणि गरजांची वेगळी दाखल घेऊन ह्यात तशा तरतुदी केल्या पाहिजेत.

तिसरा महत्वाचा आणि न हाताळलेला विषय म्हणजे हिजडा समुदायातील शोषणाच्या अंतर्गत संरचना.

Inclusionच्या ऐवजी समतेचे राजकारण निराळे असते. वेळ उरला तर ते थोडक्यात सांगणे.

Consultation on **TRANSGENDER PROTECTION ACT 2019** (With special focus on Livelihoods) Glimpses



Miss Priya Patil, TG Representative welcoming Past District Governor Rtn. Dr. Madhav Borate Pune Down Town



Ms Pallavi Sable, District Director - Medical Projects, Rotary Club of Poona Downtown expressing her thoughts



Dr. Keerti Kelkar President, Rotary Club Khadki expressing her thoughts



Rtn. Uday Dharmadhikari President, Rotary Club of Pune Central expressing her thoughts



Transgender Protection Act 2019 Background and Brief Discussion session by Prof. Zamir Kamble



Adv. Rama Sarode Founder SAHAYOG Foundation addressing the participants during Transgender Protection Act consultation 2019



PANNEL DISCUSSION 1: Transgender Protection Act 2019 - Status of Livelihoods Opportunities and Challenges in Livelihoods Resource



PANNEL DISCUSSION 2: Transgender Protection Act 2019–Suggestions and recommendations regarding livelihoods resources



Shri Vijay Nadkarni Member Governing Council welcoming Shri Ravindra Patil Kadam Deputy Commissioner Social Welfare Govt of Maharashtra



Shri Nrusinha Mitragotri Member Governing Council STAPI welcoming Sangita Dawkhare Assistant Commissioner, Social Welfare Department Pune



Smt. Parinita Kanitkar, Chief Executive STAPI welcoming Shri Sachin Adsare, Team Leader Vocational Training YARDI Solutions



Smt. Vaishali Chavhan, Project Officer STAPI welcoming Ms. Netrali Yewale, Social Welfare Inspector- Social Welfare Govt of Maharashtra



Shri Ravindra Kadam Patil, Deputy Commissioner- Social Welfare Govt of Maharashtra during the panel discussions



Shri Prasad Kulkarni Project Officer STAPI welcoming to Shri Asang Patil Deputy Social Development Officer, Social Development Department, Pune Municipal Corproation



Balaji Wagh Project Officer STAPI welcoming Shri Shrikant Karegaonkar Lead District Manager Bank of Maharashtra



Renuka Joglekar, Project Manager STAPI welcoming Shri. Devanand Meshram, Social Welfare Inspector- Social Welfare Office by Smt.



Shri Vilas Gite Project Mentor STAPI welcoming Shri Vilas Bansode Program Officer Yardi CSR



Smt. Parinita Kanitkar Chief Executive STAPI welcoming Shri Sagar Kabra, Director Operation GTT Foundation Pune



Shri Rahul Kamble Project Officer STAPI welcoming Shri. H. S. Nalawade, Skill Development & Entrepreneurship Guidance Officer Pune District



Smt. Jayshree Ingle STAPI welcoming Smt. Alka Gujandal, Social Development Department Pune Municipal Corporation



