

REPORT ON KARNATAKA JUDICIAL ACADEMY AND ONDEDE ORGANIZATION'S ONE DAY JOINTLY ORGANISED SEMINAR FOR JUDICIAL OFFICERS.



On February 7th, 2024, Ondede visited the Karnataka Judicial Academy with the objective of training and sensitising the judicial officers on matters relating to the concerns of the transgender community. Opening addresses were delivered by Dr Akkai Padmashali founder-director of Ondede and Narahari Prabhakar Marathe the director of the Karnataka Judicial Academy. This was followed by 3 informative panels spread across the day, dealing with different aspects and concerns of the transgender and sexuality minorities community.

PANEL-1 VOICE OF COMMUNITY EXPERTS ON IDENTITY, EMPLOYMENT, CULTURE, CHALLENGES AND SUCCESS.



It brought together individuals from the transgender community in Karnataka to share their experiences and perspectives. The panel was centred around identity, barriers to employment, cultural nuances, community safe spaces and challenges faced by the community.

Ms. Abeda Begum, an intersex person voiced out the difficulties faced by the intersex community. She stressed on the troubles of coming to terms with one's identity along with other problems including coming out, seeking medical help or family distress. She described being confined to her house, lacking information about her own condition, and even being pressured by

her parents to bring money home after she had left even if it is by doing sex work. Even during her school years, her parents pressured her to go to school for 6 months and to work for 6 months. Society was not gentle with her either. Hearing comments like “Oh she can't get married or have children” was a common occurrence. She finally talked about the Karnataka Intersex Association, an initiative started by Ondede that helps intersex people deal with the problems mentioned. She is grateful to Ondede, its contribution and its help.

Ms. Monica, a member of the hijra community explained her experiences and troubles she faces everyday. She presented an example of how she was alleged to have kidnapped a child and was beaten by the police when she was innocent and a diabetic patient. Disregarding her innocence and her position, the police officers physically assaulted her. Even though the kidnapped child, once saved, told the police that they never saw Monica. The police refused to accommodate her concerns. She went on to dispel the myth about people from the transgender community being kidnapers and offenders. Emphasis was thrown on the relation to any other community where there would inevitably be a group of wrongdoers but it would be unfair to generalise that reality and force it onto the rest of the community as well. She also mentioned how the transgender community does not forcefully induct anyone but is welcoming to those who feel different in their bodies and relate to the community.

Mr. Pruthvi D R, a transgender man, acknowledged the privilege of having family support during his transition. He offered insights on the different hormonal treatments and gender affirmation surgeries available and currently he is working as a software engineer and serves as a beacon of hope and achievement within the transgender community.

Ms. Aishwarya Reddy, a transgender woman business owner, discussed the initial challenges she faced in establishing and running a beauty parlour due to discrimination against her identity. While cautioning the audience not to take whatever she said in bad light, she mentioned that transgender people are one of the most talented people there are - “give them any job and they will do it excellently”. She advocated for equal employment opportunities for transgender community and encouraged the audience to visit her restaurant based on the quality of food, and not merely her words.

Sri. Prakashraj, a member of the transgender community, delved into the pain of family ostracization. The very nieces and nephews that were once brought up and looked after by them, avoid and disregard their existence. They elaborated on the concept of gender roles and performance, challenging the idea that simply dressing or behaving in a certain way does not define one's true gender identity. They questioned the association of outward appearance and behaviour with true gender identity, implying a desire to move beyond restrictive roles. They also spoke about the incorrect notion of the transgender community in itself behaving in a certain specified manner. It is not a generalised experience, and each experience is different.

Ms. Pratiksha enlightened the audience with her experiences as a transgender person as a part of the Marladi community. She was born a man and behaved the same until her graduation, post which she decided to come out to her mother. Post several struggles and after joining the Marladi community, her mother finally accepted her and built her a temple and emphasised that Pratiksha now had become legitimate because of her duty of service in a temple.

PANEL-2 ON SOCIAL AND LEGAL RIGHTS



Dr. Gowri Vijayakumar, Professor of Gender Studies in Brandeis University and Senior Advocate Manoranjini, High Court of Karnataka; Ananya Murali, Intern at Ondede and law student.

Ms. Ananya Murali, an intern at Ondede, voiced out that the approach and ideals taken by the legal system has to be inclusive and sensitive to the transgender community, highlighting that the world we strive for should be based on the principles of inclusivity and sensitivity.

She mentioned that the law only recognises women and minors as victims of domestic violence – thus, a transgender person or a non-binary person will not even qualify as a victim in the eyes of law – “Does a victim stop being a victim just because of their gender identity”. She highlighted that the solution lies not just in new laws, but in reimagining, restructuring and even rephrasing existing ones in a way that these laws protect the fundamental Right to Life and Dignity of the transgender community. She went on to talk about the problematic usage of the term “third gender”. She said that the term “third gender” as used by law seems to originate from an antiquated notion that there are only three gender options—female, male and ‘other.’ – talking people to the question of who this so-called first gender or second gender actually are. The usage of the term third gender limits the scope of specific applications and thus, is not sensitive enough to the aspirations of specific communities outside the gender binary. She concluded by saying that unless change comes from the side of the law, there will not be legitimation by society. If the law itself is not ready for the change, how can one expect society to be convinced and accept these changes.

Professor Gowri Vijayakumar presented an insight into the global perspective on non-binary people. She highlighted the importance of considering the wide ambit of gender. She spoke in depth about the notion of the binary and the inevitable exceptions that have existed throughout

history. Examples of Native America and pre-colonial Nigeria were presented in this regard. While terminologies in this regard may be modern, the lived experiences of the community are age old and diverse. These experiences have been documented across history and have been vastly diverse. She also stressed on the impact of colonialism on legislation and the outlawing of transgender people's rights. She took the example of Nigeria and India, outlining the manner in which colonial legislation stood the test of time and succeeded in having a massive impact even after these countries gained independence. On a global level, Gowri pointed out that while various countries are taking a forward step when it comes to recognising and battling for the rights of transgender people, there are many nations that are regressing in terms of the freedoms and liberties accorded to the community. Speaking specifically about the United States, she made the judicial officers aware that multiple states are introducing legislation and politics with political motivations that are hampering the rights of transgender there.

She recognised that significant developments have taken place in India but clarified that this was not the end of the journey and that there is a long way to go when it comes to obtaining social justice in this regard.

Senior Adv Manoranjani began her section asking what constitutes 'WE' in our preamble. In doing so she stressed on the importance of equality before law as enshrined in article 14 of the constitution and the fact that transgender persons fell well within this definition of 'WE' and deserved the same rights and liberties enjoyed by others. After cementing this central principle, she moved to outlining the key difference between 'sex' and 'gender' specifying that the former is assigned at birth and the latter is decided by individuals as per their free will and choice. She brought to light the risks associated with conflating the two concepts and the detrimental effects this could and has had on the law.

Further she referenced the need for societal and familial change to be enabled by the law echoing the points made by other panellists. She emphasised that it would be easier for change in other spheres to be taken once formal recognition of rights and liberties is done by law. As an example, she presented the need for familial rights of people within the transgender community to be recognised. This puts the onus firmly on the legal sphere (including legislators and the judiciary) to take positive action in the interests of justice. Getting into the substantive legal matters, Senior Adv Manoranjani presented an overview of recent judgments and legislation including; the 2014 NALSA judgement, The Transgender Persons (protection of Rights) Act of 2019, the Supriyo and Ors v Union of India judgement of 2023 and the 2018 Navtej Singh Johar judgement. Most importantly, she pointed out the various gaps in legislation where there is no recourse available for transgender persons drawing to the judicial officers attention the places where law has to bring about changes. Lastly she outlined the various acts through which systemic, blatant and continuous harassment of transgender persons takes place in Karnataka. These include; the Karnataka Prohibition of Beggary Act (1975) and the Immoral Traffic (prevention) Act (1986). She also pointed out that Police officers have the power under law to control the supposedly 'undesirable activities' of transgenders. This gives us an insight into the

various ways in which abuse of police power is legitimised within the legal system and further underlines the importance of judicial officers being cognizant of such issues.

PANEL-3 MEDICAL ISSUES (MENTAL HEALTH AND SEX REASSIGNMENT SURGERY) (PSYCHOLOGY, ENDOCRINOLOGY, UROLOGY AND PLASTIC SURGERY)



The third panel of the day provided the judicial officers with a unique insight into the medical component of the journey of transgender and sexuality minorities. The medico-legal aspects of gender affirmation surgeries was delved into by all the panellists. A comprehensive perspective into the psyche of transgender and sexuality minorities was given to the judicial officers in an attempt to have a more sensitised and socially aware judiciary in the future.

The panellists for this session were; **Dr. Arjun Nagaraj from Sapthagiri Medical College, Dr. Pramila Kalra from MS Ramaiah Hospital, Dr. Peddi Manjunath from BMCRI Hospital and Dr. TR Kanmani from NIMHANS** were a part of the panel with **Mrs. Priya Pavan Kumar functioning as a moderator.**

Dr. Arjun stressed on terming surgeries that transgender people undergo as ‘Gender Affirmation’ surgery and how the usage of ‘Sex Change Surgeries’ is not the right way to go about it, as one is not changing one’s gender but affirming one’s gender identity. Further, he elaborated on the various surgeries under the broader umbrella of gender affirmation surgeries. Pictographic representations of the actual procedures that accompany these surgeries were presented to the judicial officers. This aids in the judicial officers developing an understanding of the specific forms of treatment that transgender people undergo.

Additionally, a huge degree of importance was placed on the Standard Operating Procedure (SOP) followed by the medical professionals in these matters. These procedures involve taking aid of psychiatrists and other mental health professionals in the determination of whether operating procedures can be undertaken on persons. A 2 year waiting period, also known as the

‘Real-life Experience (where one goes through hormone therapy and lives as the gender they want to be - which is a reversible process) is also set from when a person actually opts for surgery and when surgery is performed. Finally, Dr Arjun spent some time outlining the possible complications associated with surgeries, clarifying that such complications are not higher in gender affirmation surgeries but falls along the lines of a general risk associated with surgeries.

- A standard operating procedure that most healthcare professionals follow was spoken about.
- Presented the various forms of surgeries that are available to gender dysmorphic people, providing an insight into the various options available to them
- A rudimentary understanding of the methodology of the procedures was also presented.

As a plastic surgeon, **Dr. Manjunath** introduced the different forms of surgeries that are available to transgender people as a part of their gender affirmation process. The complex and distinct nature of each of these surgeries was made aware to the judicial officers. An insight into the intricacies of the medical procedures was provided by Dr Manjunath.

A mental health perspective to the gender affirmation process was brought in by **Dr. Kanmani**, She spoke about the complex situations that transgender people might find themselves in when they have to decide about undertaking surgeries or other procedures. The mental health of transgender people as they undergo these procedures is crucial to understand and incorporate when any form of legislation or judicial decisions regarding these aspects are being made.

Dr. Pramila Kalra introduced the concept of gender incongruence in the panel and brought in a hormone specific angle to this process. As an endocrinologist she spoke about the key role taken up by hormone therapy before any surgery is done. Similar to Dr Arjun, she also referenced the 2 year gap between a decision to undergo surgery and actual completion of the surgery. In furtherance of the same, the reversible nature of hormone therapy when compared to the permanent nature of surgery was taken to show how it is important for hormone therapy to precede any surgical procedures. Importantly, she presented how eminent endocrinologists in India have formed a specific procedure and functioning criteria when dealing with gender incongruence and gender affirmation surgery.

In the end vote of thanks was proposed by Ms. Saral K from the Ondede Organisation.



In conclusion, the seminar on Intersex, Transgender, and Sexuality Minorities provided a comprehensive exploration of crucial facets within these communities. The diverse perspectives shared by community experts shed light on the multifaceted nature of identity, employment, culture, challenges, success, and the intricate interplay of social and legal rights. The sessions dedicated to medical issues, encompassing mental health and sex reassignment surgery, facilitated a deeper understanding of the complexities involved, involving insights from psychology, endocrinology, urology, and plastic surgery.

This collaborative exchange of knowledge and experiences has not only enriched our understanding but has also highlighted the importance of fostering inclusivity, awareness, and sensitivity towards the unique needs of these communities. Moving forward, it is imperative that we continue to advocate for equal rights, dismantle societal stigmas, and promote healthcare practices that prioritise the mental and physical well-being of individuals navigating these aspects of their lives. The seminar serves as a catalyst for ongoing dialogue and action, reinforcing the commitment to creating a more supportive and equitable society for all.