



Building An Inclusive Society Through SMILE

For Prelims: [Transgender Persons \(Protection of Rights\) Act, 2019](#), [NALSA Judgement 2014](#), [Transgender Persons \(Protection of Rights\) Rules, 2020](#), [Garima Greh](#).

For Mains: Indian Society and the Challenges faced by Transgenders, Reforms for Transgender Persons, Transgender Persons (Protection of Rights) Act - Provisions and Associated Concerns

[Source: PIB](#)

Why in News?

In 2021, the [Support for Marginalized Individuals for Livelihood and Enterprise \(SMILE\) scheme](#), aimed at advancing the vision of [Viksit Bharat](#) was initiated. This included the launch of the [Central Sector Scheme](#) for Comprehensive Rehabilitation for the Welfare of [Transgender Persons](#).

Who is a Transgender?

- According to the [Transgender Persons Act, 2019](#), transgender means a person whose gender does not match with the gender assigned to that person at birth.
- It includes trans-person with intersex variations, gender-queer and person having such socio-cultural identities as kinnar, hijra, aaravani and jogta.
- India's [2011 Census](#) was the **first census** in its history to incorporate the number of 'trans' population of the country. The report estimated that 4.8 million Indians identified as transgender.

What is a SMILE Scheme?

- **About:**
 - It is a new Scheme after the merger of existing Schemes for Beggars and Transgenders.
 - The **two sub-schemes of SMILE** - 'Central Sector Scheme for Comprehensive Rehabilitation for Welfare of Transgender Persons' and 'Central Sector Scheme for Comprehensive Rehabilitation of engaged in the act of Begging' - provide comprehensive welfare and rehabilitation measures to the Transgender community and the people engaged in the act of begging.
 - Scheme provides for the **use of the existing shelter homes available** with the State/UT Governments and Urban local bodies for rehabilitation of the transgender persons.
 - In case of non-availability of existing shelter homes, new dedicated shelter homes are to be set up by the implementing agencies.
- **Focus:**
 - The focus of the scheme is extensively on rehabilitation, provision of medical facilities, counselling, basic documentation, education, skill development, economic linkages and so

on.

- It is estimated that an approximate **60,000 poorest persons** would be benefited under this scheme for leading a life of dignity.
 - It provides Scholarships for Transgender Students studying in Class 9th and above till post-graduation to enable them to complete their education.
 - It has provisions for Skill Development and Livelihood under the [PM-DAKSH scheme.](#)
 - Through Composite Medical Health it provides a comprehensive package in convergence with [Pradhan Mantri Jan Aarogya Yojana \(PM-JAY\)](#) supporting Gender-Reaffirmation surgeries through selected hospitals.
 - The Housing facility in the form of '[Garima Greh](#)' ensures food, clothing, recreational facilities, skill development opportunities, recreational activities and medical support etc. to the Transgender community and the people engaged in the act of begging.
- **Implementation:**
 - It will be implemented with the support of State/UT Governments/**Local Urban Bodies**, Voluntary Organizations, Community Based Organizations (CBOs) , institutions and others.
 - The **Provision of Transgender Protection Cell** in each state will monitor cases of offences and to ensure timely registration, investigation and prosecution of offences.
 - The **National Portal & Helpline** will provide necessary information and solutions to the Transgender community and the people engaged in the act of begging when needed.
- **Scheme for Comprehensive Rehabilitation of Transgenders:**
 - The scheme has been implemented in the selected cities on pilot basis having large concentrations of the Beggar and Transgender community.
 - During the year 2019-20, this Ministry had released an amount of Rs. 1 Crore to **National Institute of Social Defence (NISD)** and Rs. 70 Lakh to **National Backward Classes Finance & Development Corporation (NBCFDC)** for skill development programmes for beggars.

What are the Problems Faced by Transgenders?

- **Societal Stigma:**
 - **Social Exclusion:** Transgender individuals often face isolation and marginalization, leading to mental health issues, substance abuse, and a reduced quality of life.
 - **Stereotyping and Misrepresentation:** Society tends to stereotype transgender people, limiting their opportunities for employment, education, and healthcare.
 - **Family Rejection:** Many transgender individuals are disowned by their families, leaving them without familial support and economic stability.
- **Discrimination:**
 - **Violence and Hate Crimes:** Hate crimes, physical and verbal abuse, and sexual assault are significant threats to the safety and well-being of transgender individuals.
 - **Educational Barriers:** Discrimination in educational institutions hampers access to quality education and future career opportunities.
 - **Employment Discrimination:** Transgender individuals frequently experience job discrimination, which leads to unemployment or underemployment, perpetuating their economic vulnerability.
 - **Healthcare Disparities:** Discrimination by healthcare providers often deters transgender individuals from seeking necessary medical care, including gender-affirming procedures.
- **Absence of Legal Recognition:**
 - **Legal Ambiguity:** While India has made progress with the Transgender Persons (Protection of Rights) Act, 2019, there are still legal ambiguities and gaps that need to be addressed.
 - Transgender persons are not defined properly and the Act does not have any provision for self-determination of gender.
 - **Lack of Comprehensive Policies:** The absence of comprehensive policies on gender identity, non-binary genders, and a clear legal framework for transgender rights remains a challenge.
 - **Implementation Gaps:** The implementation of existing laws is often ineffective due to a lack of awareness, prejudice, and reluctance on the part of authorities.

What are the Different Initiatives for Transgender Persons?

- An MoU has been signed with [National Health Authority](#) for a specialized Ayushman Bharat TG Plus card for providing more than 50 health benefit services to transgender persons and for first-time gender re-assignment as well as cosmetic treatments have been included under the Ayushman Bharat scheme for transgender persons.
- [Swachh Bharat Mission\(Urban\)](#) has included dedicated toilets for transgender persons in their policy guidelines.
- [National Portal for Transgender Persons](#)
- [Transgender Persons \(Protection of Rights\) Rules, 2020](#)
- [National Council for Transgender Persons](#)
- [Certificate of Identity](#)
- [Equal Opportunity Policy](#)

What Can be Done More to Uplift the Transgender Persons?

- **Transgender-Inclusive Policies:** Legal and the law enforcement systems need to be empowered and sensitized on the issues of Transgender community.
 - Inclusive approach for Transgender must be planned and adopted by the Government and society.
 - Their grievance of being not included in policies formulation or decision making needs to be allayed and chances for their public participation should increase.
- **Addressing Social Concerns:** Provision of free legal aid, supportive education, and social entitlement must be ensured for the Transgender community at ground level as suggested by NALSA Judgement.
 - Separate policies related to health care must be framed and communicated in all private and public hospitals and clinics.
 - There is a need to increase awareness and inculcate sense of respect and acceptance for transgender community.
- **Financial Security:** Liberal credit facilities and financial assistance must be ensured to start up their career as an entrepreneur or businessman along the lines of [SHG-Bank Linkage Programs.](#)
- **Transgender in Prisons:** Awareness and documentation are two important tools to address the reforms in reference to sexual minorities, especially trans prisoners.
 - As the **Commonwealth Human Rights Initiative (CHRI)** advocates, there is a need for a gender-fluid approach for the treatment of transgender prisoners.
 - The CHRI's recommendations should be considered by the Union government to bring a 'model policy' on the special needs of trans prisoners, through a consultative process with the members of the trans community, to honour the mandate of the [NALSA judgement.](#)

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims:

Q1. In India, Legal Services Authorities provide free legal services to which of the following type of citizens? (2020)

1. Person with an annual income of less than Rs. 1,00,000
2. Transgender with an annual income of less than Rs. 2,00,000
3. Member of Other Backward Classes (OBC) with an annual income of less than Rs. 3,00,000
4. All Senior Citizens

Select the correct answer using the code given below:

(a) 1 and 2 only

- (b) 3 and 4 only
- (c) 2 and 3 only
- (d) 1 and 4 only

Ans: (a)

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