

Government of Karnataka

Number: ED 30 DTB 2019

Ministry of Karnataka Government
Multi-storeyed Building
Bangalore. Dated: 04-06-2019

Circular

Subject: Notifications regarding amending the name and gender of third genders (Transgenders) in their school documents/S.S.L.C/P.U.C certificates

Reference: 1) Government circular number: ED 100 DTB 2014, Dated: 26-10-2015

2) The RIT petition filed in Karnataka High Court, Bangalore petition number: 12113/2019 and its Judgement dated 26-03-2019.

The directions have been given as per reference (1) regarding provisions to make amendments to the school documents of the students such as student name, parents name, caste, date of birth, etc.

The judgement as stated under reference (2) the applicant Jeevita M in her application requested the opponent parties Director, Pre-University Education Department, Bangalore as well as Karnataka Higher Education Examination Board, Bangalore requested them to amend her name Jeeva M and gender Male in her S.S.L.C. and P.U.C. marks card. As there was no response from these departments, she approached the Hon'ble High Court by filing a petition. The Hon'ble High Court after verifying the petitions and the enclosed documents learnt that there were no proper guidelines or circulars regarding amending Transgender name and gender in their S.S.L.C./P.U.C certificates. The court as per the prayer of the applicant has given this notification to take proper decision within a period of two months with required actions regarding changing the name and gender in her S.S.L.C. as well as P.U.C certificates.

Continuing, the court has also informed the Education department to create proper circular/guidelines regarding amending the name and gender of the third genders (Transgenders) in their school documents/S.S.L.C./P.U.C certificates. The highlighted parts of this judgement are as follows:--

The Hon'ble Apex Court in the case of National Legal Services Authority vs. Union of India and others reported in (2014) 5 SCC 438 has observed thus:-

“ 135.1. Hijras, eunuchs, apart from binary genders, be treated as “third gender” for the purpose of safeguarding their rights under part III of our Constitution and the laws made by Parliament and the State Legislature.

135.2. Transgender persons' right to decide their self-identified gender is also upheld and the Centre and State Governments are directed to grant legal recognition of their gender identity such as male, female or as third gender.

135.3 We direct the Centre and the State Governments to take steps to treat them as Socially and Educationally Backward Classes of citizens and extend all kinds of reservation in cases of admission in educational institution and for public appointments.

In the light of the judgment of the Hon'ble Apex Court as aforesaid it is mandatory for the State of Karnataka represented by the Principal Secretary of Educational Department to issue circular instructions to the authorities/institutions concerned to act in consonance with the directions issued by the Hon'ble Apex Court. **The Principal Secretary, Education Department, State of Karnataka** shall consider the same and take necessary action to implement the directions of the Hon'ble Apex Court in an expedite manner without driving the Transgenders to Courts in as much as change of their name and gender is concerned.

As per the directions of the Hon'ble High Court, it has stated that every person has the rights to self identify his gender as well as according to the article 19(1)(A) of the constitution his right to privacy to be respected, self- identification and maintaining personal integrity are his rights and it is the responsibility of each state to protect them. Therefore, person who changed their gender (third genders) will have the right to self-identify their gender and get it documented in their documentation.

Therefore, in the cases of third genders (Transgenders) requesting by submitting required documentation to amend their names and gender in their S.S.L.C certificate or P.U.C certificate the judgement has notified the concerned Director, Karnataka Higher Education Examination Board, Bangalore or Director, Pre University Education Department, Bangalore not to reject the applications, and should request to applicant to submit their application by procuring the decree order from the Civil Courts or from any other Courts as well as based on their medical documents should take proper measures to amend their name and gender in their school documents as well as S.S.L.C./P.U.C certificates.

(TD Nagendra)

Under Secretary to the Government
Department of Education (Administration)

To,

1. Commissioner, Public Education Department, Nrupatunga Road, Bangalore-1
2. Addition Commissioner, Public Education Department, Kalburgi/ Dharawad
3. Director, Pre University Education Department, Malleshwaram 18th Cross, Bangalore
4. Director/ Secretary, Karnataka Higher Education Examination Board, Malleshwaram, Bangalore
5. Secretary, Karnataka Higher Education Examination Board as well as honorary Joint Director, Public Education Department, Bangalore/ Mysore/ Belgaum/ Kalburgi
6. States all District Deputy Directors, Public Education Department { Through the Commissioner, }
7. States all Block Education Officers, Public Education Department { P.E. Department Bangalore }
8. Additional copies for information centre/Branch security file.

Copies for the information:-

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