



Rajasthan HC Issues Notice on Transgender OBC Reservation

Why in News?

The **Rajasthan High Court** has issued a notice to the state government in response to a petition. A transwoman, challenging the **government's classification of transgender people as Other Backward Classes (OBC)** for reservation in **public education and employment**.

Key Points

- **Petitioner:** **Ganga Kumari**, the **first transwoman** to join Rajasthan police as a constable, filed the petition.
- **About the Issue:** The Rajasthan government's January 2023 circular categorises transgender people under **OBC for reservation**, which petitioner argues could lead to exclusion from both **OBC** and **transgender-related benefits**.
- **Legal Basis:** Petitioner contends that this classification violates the **Supreme Court's National Legal Services Authority Vs. Union of India (2014) judgment**, which calls for treating transgender people as a **distinct group eligible for reservations**, but not necessarily within the **OBC category**.
- **NALSA Judgment:** The **2014 Supreme Court** decision instructed governments to offer reservations to transgender people, considering them "**socially and educationally backward.**"
 - However, there is ambiguity on whether this implies inclusion within **existing socio-economic categories** like **OBCs** or **horizontal reservation for transpeople**.
- **Court Interpretations:** Other states, such as **Madhya Pradesh**, have interpreted the **NALSA judgment** as placing transpeople within the OBC category, while states like **Karnataka, Madras, and Calcutta** have upheld **horizontal reservation**.

Transgender

- Transgender person means someone whose gender does not match with the **gender assigned** to that person at birth.
- It clarifies terms like **'person with intersex variation'** and **'transgender person'** to include **trans men** and **women**, regardless of surgery or therapy.

Transgender Persons (Protection of Rights) Act, 2019

- **Non-discrimination:** Prohibits discrimination in **education, employment, healthcare, and public facilities**, and affirms rights to **movement, property, and office**.
- **Certificate of Identity:** Grants the **right to self-perceived gender identity** and requires district magistrates to issue certificates without medical exams.
- **Medical Care:** Ensures **HIV surveillance**, access to **medical care, sex reassignment surgeries, and therapy** with insurance coverage.
- **National Council for Transgender Persons:** Established to advise the government and address grievances.
- **Offences and Penalties:** Punishes offences like forced labor, abuse, and denial of rights with imprisonment (6 months to 2 years) and fines.

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