Civil rights of transgender

Why in News?

The Transgender Persons (Protection of Rights) Bill, 2019 was introduced in Lok Sabha by the Minister for Social Justice and Empowerment.

What is the bill about?

- It provides for recognition of identity of transgender persons, prohibition against discrimination, welfare measures by the Government, obligation of establishments and other persons, education, social security and health of transgender persons.
- It also provides for setting up of National Council for transgender persons.

What is the definition?

- As per the bill, a transgender person is one whose **gender does not match the gender assigned at birth**.
- It includes trans-men and trans-women, persons with intersex variations, gender-queers, and persons with socio-cultural identities.
- **Intersex variations** are defined to mean a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes, or hormones from the normative standard of male or female body.

What are the provisions of the bill?

- The Bill **prohibits the discrimination** against a transgender person, including denial of service or unfair treatment in relation to:
    1. **Education:** Educational institutions funded or recognised by the relevant government shall provide inclusive education, sports and recreational facilities.
    2. **Employment:** No government or private entity can discriminate in employment (recruitment and promotion). Every establishment should have a complaint officer to deal with their complaints.
    3. **Healthcare:** The government must take steps to provide health facilities to them. It shall review medical curriculum to address their health issues and provide medical insurance schemes for them.
    4. **Access to or enjoyment of** goods, facilities, opportunities available to

the public.
5. **Right to movement.**
6. **Right to reside, rent, or otherwise occupy property:** If the immediate family is unable to care for them, the person may be placed in a rehabilitation centre (on the orders of the court).
7. **Opportunity to hold public or private office;**
8. **Access to a government or private establishment** in whose care or custody a transgender person is.

How to get a Certificate of identity for a transgender person?

- A person may make an **application to the District Magistrate** for a certificate of identity, indicating the gender as 'transgender'.
- A revised certificate may be obtained only if the individual undergoes surgery to change their gender either as a male or a female.

What welfare measures do the government needs to take?

- The relevant government will take measures to ensure the **full inclusion and participation** of transgender persons in society.
- It must take steps for their rescue and rehabilitation, vocational training and self-employment, create schemes that are transgender sensitive, and promote their participation in cultural activities.

What are considered as Offences and their penalties?

- The offences against transgender persons include,
  1. Forced or bonded labour (excluding compulsory government service for public purposes),
  2. Denial of use of public places,
  3. Removal from household, and village,
  4. Physical, sexual, verbal, emotional or economic abuse.
- The penalties vary between six months and two years, and a fine.

What is the National Council for Transgender persons (NCT)?

- **Composition of NCT:**
  1. Chairperson - Union Minister for Social Justice.
  2. Vice - Chairperson - Minister of State for Social Justice.
  3. Secretary of the Ministry of Social Justice.
  4. One representative from ministries including Health, Home Affairs, and Human Resources Development.
  5. Other members - Representatives of the NITI Aayog, and the National

Human Rights Commission.

- State governments will also be represented.
- The Council will also consist of 5 members from the transgender community and 5 experts from non-governmental organisations (NGOs).
- **Functions of the Council:**
    1. It will advise the central government.
    2. It will monitor the impact of policies, legislation and projects with respect to transgender persons.
    3. It will also redress the grievances of transgender persons.

Source: PIB, PRS

