Transgenders in khaki - Chhattisgarh Police Recruitment

Why in news?

No less than 13 members of the transgender community have been selected recently as constables under the Chhattisgarh police.

What was the 2014 Supreme Court ruling on transgenders?

- The binary notion of gender denies equal protection of law to transgenders.
- This was rejected and the required relief was provided by the Supreme Court ruling in NALSA vs. Union of India (2014).
- It ruled that transgender persons have the right to decide their self-identified gender.
- The transgender community had no legal recognition till then.
- The induction of transgenders into the police force now is a vital message to people that they are as physically and mentally competent as others.
    - This is more significant in the backdrop of the fact that there was no reservation for the transgender community as a separate category.
- Earlier, a few transgenders were inducted into the Tamil Nadu police too.

What measures did the Chhattisgarh government take?

- Soon after the 2014 Supreme Court judgment, the Chhattisgarh government constituted the Third Gender Welfare Board.
- It was set up to take up various welfare measures in favour of trans people.
- Instructions were issued to all departments in this regard.
- They were to include ‘third gender’ as an option (along with male and female) in official documents that require mentioning the gender or sex of a person.
- District-level committees were constituted to identify members of the transgender community to implement welfare schemes for their benefit.
- Sensitisation workshops were organised at State and district levels by the police department.
- Police officers were apprised about the Central law and the Supreme Court’s ruling on transgenders.
- Training capsules were prepared for police training institutes with the help of transgender members of the Welfare Board.
- Further, after the announcement of vacancies, the police helped transgender

members in preparing for the written examination.

What are the legal provisions in this regard?

- The Transgender Persons (Protection of Rights) Act was enacted in 2019.
- It paved the way for issuing a certificate of transgender identity.
- This is in spirit with international conventions, particularly, -
    i. the Universal Declaration of Human Rights, 1948
    ii. the International Covenant on Civil and Political Rights, 1966
    iii. the Yogyakarta Principles, 2006
- The Act recognises that transgender persons have a legal right to self-perceived gender identity in accordance with the principle of the "Psychological Test" instead of the "Biological Test".
- According to law, transgender persons cannot be discriminated against in any matter relating to employment by any establishment.
- Recently, the Kerala High Court allowed a petition moved by a transwoman seeking admission into the National Cadet Corps based on her self-claimed gender identity.
- The court held that the provisions of the NCC Act cannot preclude the operation of the Transgender Persons (Protection of Rights) Act.
- Thus, this new protective Central legislation has given a new lease of life to the whole community.

Source: The Hindu

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