

# The Transgender Persons (Protection of Rights) Bill, 2019

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The Transgender Persons (Protection of Rights) Bill, 2019 was passed by Parliament

## Key features of the Bill

### Definition of a transgender person

- **The Bill defines a transgender person as one whose gender does not match the gender assigned at birth. It includes** transmen and trans-women, persons with intersex variations, gender-queers, and persons with socio-cultural identities, such as kinnar and hijra.
- **Intersex variations is 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 the male or female body.

### Prohibition against discrimination:

The Bill prohibits discrimination against a transgender person, including denial of service or unfair treatment in relation to:

- Education, Employment, Healthcare, Access to, or enjoyment of goods, facilities, opportunities available to the public, Right to movement, Right to reside, rent, or otherwise occupy a property, Opportunity to hold public or private office, and Access to a government or private establishment in whose care or custody a

transgender person is.

### **Health care**

The Bill mentions that the **government must take steps to provide health facilities to transgender persons including separate HIV surveillance centres, and sex reassignment surgeries**. The government shall review the medical curriculum to address the health issues of transgender persons, and provide comprehensive **medical insurance** schemes for them.

### **Certificate of identity**

**A transgender 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.

### **Right to residence**

Every transgender person shall have a right to reside and be included in his household. If the immediate family is unable to care for the transgender person, the person may be placed in a rehabilitation centre, on the orders of a competent court.

### **Education**

Educational institutions **funded or recognized by the relevant government shall provide inclusive education, sports and recreational facilities** for transgender persons, without discrimination.

### **Welfare measures by the government**

The Bill states that the relevant government will take measures to ensure the full inclusion and participation of transgender persons in society. It **must also 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.

**Offences and penalties:** The Bill recognizes the following offences against transgender persons:

1. **Forced or bonded labour** (excluding compulsory government service for public purposes)
2. Denial of use of public places
3. Removal from the household, and village
4. Physical, sexual, verbal, emotional or economic abuse.

Penalties for these offences vary between six months and two years, and a fine.

**National Council for Transgender persons (NCT):** The NCT will consist of:

1. Union Minister for Social Justice (Chairperson)
2. Minister of State for Social Justice (Vice-Chairperson)
3. Secretary of the Ministry of Social Justice
4. **One representative from ministries including Health, Home Affairs, and Human Resources Development.**
5. **Other members include representatives of the NITI Aayog and the National Human Rights Commission. State governments will also be represented.** The Council will also consist of **five members from the transgender community** and five experts from non-governmental organizations.

The Council will advise the central government as well as monitor the impact of policies, legislation, and projects with respect to transgender persons. It will also redress the grievances of transgender persons.