

The Transgender Persons (Protection of Rights) Bill 2019

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Source: PRS India

Aim of the bill:

Mitigating the stigma, discrimination and abuse against marginalized Transgender population and bring them into the mainstream of society.

Key features of the Bill:

▪ The definition of transgender person:

The proposed bill defines a transgender person as 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, 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 male or female body.

▪ Prohibition against discrimination:

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

1. Education
2. Employment
3. Healthcare

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
7. Opportunity to hold public or private office; and
8. Access to a government or private establishment in whose care or custody a transgender person is

- **Right of residence to every transgender person :** The bill mentions that 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.
- **No discrimination in Employment:** it also states that no government or private entity can discriminate against a transgender person in employment matters, including recruitment, and promotion. Every establishment is required to designate a person to be a complaint officer to deal with complaints in relation to the Act
- **Inclusive Education:** Educational institutions funded or recognised by the relevant government shall provide inclusive education, sports and recreational facilities for transgender persons, without discrimination
- **Health care facilities by the government:** 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 medical curriculum to address health issues of transgender persons, and provide comprehensive medical insurance schemes for them
- **Certificate of identity for a transgender person:** 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

- **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 mentions 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 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 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. **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. Other members include representatives of the NITI Aayog, and the National Human Rights Commission. State governments will also be represented.
5. The Council will also consist of **five members from the transgender community** and five experts from non-

governmental organisations