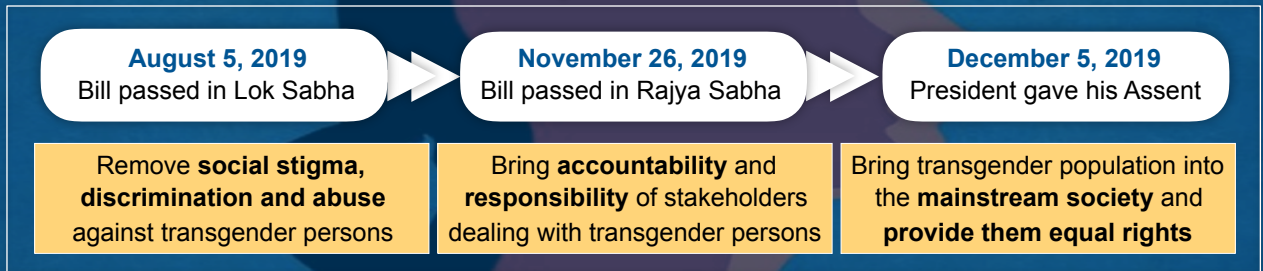




TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019



THE GLARING STATISTICS

The total population of transgender according to the 2011 census was **4.8 lakh**; whereas only **30,000 were registered** with Election Commission. Estimates suggest that there are 50-60 lakh transgenders in India but most keep it a secret to avoid discrimination.

- **96%** of transgenders have been **denied jobs**
- **60%** have **never attended schools**
- **99%** have **suffered social rejection** on more than one occasion.

KEY HIGHLIGHTS

The Central Government passed the much-awaited "The Transgender Persons (Protection of Rights) Act, 2019" which aims to provide recognition to the unidentified gender and also to protect them from discrimination on social level to make them independent in the society and providing them with equal opportunities as guaranteed by Article 14 of the India Constitution.

The applicability of this Act will be on individuals and establishments employing transgender persons wherein they need to ensure everyone is aware of the responsibilities and rights of transgenders.

DEFINITION

"Transgender person" means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as *kinner*, *hijra*, *aravani* and *jogta*.

CERTIFICATION AND RECOGNITION

The Act not only prohibits discrimination, it also provides recognition and puts an end to the need of providing the certificate of identity to transgender

- 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.

PROHIBITION AGAINST DISCRIMINATION

The Act prohibits denial, discontinuation or unfair treatment of transgender person by any person or establishment on any of the following grounds:

1. In educational establishments and services
2. In relation to employment or occupation
3. In healthcare services
4. With regards to access to, or enjoyment of goods, facilities, opportunities available to the public
5. With regard to the right to movement
6. With regard to right to reside, rent, purchase or otherwise occupy any property
7. In opportunity to hold public or private office
8. In access to government / private establishment in whose care or custody a transgender person maybe

OFFENCES AND PENALTIES

Following actions act will attract penal provisions:

1. No one can compel a transgender to indulge in the act of forced or bonded labour other than any compulsory service for public purposes imposed by Government.
2. Denies a transgender person the right of passage to a public place or obstructs such person from using or having access to a public place to which other members have access to or a right to use
3. Forces or causes a transgender person to leave household, village or other place of residence
4. Harms or injures or endangers the life, safety, health or well-being, whether mental or physical, of a transgender person or tends to do acts including causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse.

Penalties for aforesaid offences includes an imprisonment for a term of not less than 6 months and a maximum of 2 years along with a fine.



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