



# Initiatives for Transgender Persons

## Why in News

Recently, the **Ministry of Social Justice and Empowerment** has launched the **National Portal for Transgender Persons** and has inaugurated **Garima Greh**, a shelter home for transgender persons.

## Key Points

### ▪ National Portal for Transgender Persons:

- It has been launched in consonance with the **Transgender Persons (Protection of Rights) Rules, 2020**.
- It would help transgenders in **digitally applying for a certificate and identity card** from anywhere in the country, thus **preventing any physical interaction** with officials.
- It will **help them track the status** of application, rejection, grievance redressal, etc. which will **ensure transparency** in the process.
- The issuing authorities are also under **strict timelines to process** the applications and issue certificates and I-cards without any necessary delays.

### ▪ Garima Greh:

- It has been opened in **Vadodara, Gujarat** and will be run in association with the **Lakshya Trust**, a community-based organisation entirely run by the transgenders.
- The **Scheme of 'Shelter Home for Transgender Persons'** includes shelter facility, food, clothing, recreational facilities, skill development opportunities, yoga, physical fitness, library facilities, legal support, technical advise for gender transition and surgeries, capacity building of trans-friendly organizations, employment, etc.
- The scheme will **rehabilitate a minimum of 25 transgender persons** in each homes identified by the Ministry.
  - 10 cities have been identified to set up the 13 Shelter Homes.

## Transgender Persons (Protection of Rights) Rules, 2020

- The Central Government made the rules under the powers conferred by the **[Transgender Persons \(Protection of Rights\) Act, 2019](#)**.
  - The Act came into effect on **10<sup>th</sup> January 2020**, which is the first concrete step towards ensuring welfare of transgender persons.
- The rules seek to recognise the identity of transgenders and prohibit discrimination in the fields of education, employment, healthcare, holding or disposing of property, holding public or private office and access to and use of public services and benefits.
- **Background:**
  - In 2014, the **[Supreme Court of India](#)**, in the case of the **National Legal Services Authority versus Union of India**, established the foundation for the rights of transgender persons in India by recognising 'transgender' as a 'third gender' and laying down several measures for prohibition of discrimination against transgender persons and

protection of their rights.

- The judgment **recommended reservations** for transgenders in jobs and educational institutions and their right to **declare the self-perceived gender identity** without undergoing a sex reassignment surgery.

#### ▪ **Key Features of the Law Relating to Transgender Persons:**

##### ◦ **Definitions:**

- Definitions of **'person with intersex variation'** and **'transgender person'** have been provided to include trans men and trans women (whether or not such person has undergone sex reassignment surgery, hormone or other therapy).

##### ◦ **Non-discrimination:**

- It **prohibits the discrimination** of transgender persons at educational establishments, in employment or occupational opportunities, healthcare services and access to public facilities and benefits.
- It further **reinforces transgender persons' right** to movement, right to reside, rent, or otherwise occupy property.

##### ◦ **Certificate of Identity:**

- It provides for a **right to self-perceived gender identity** and casts an **obligation on the district magistrate to issue a 'certificate of identity'** as a transgender person, without the requirement of any medical or physical examination.
- If the transgender person undergoes medical intervention to change sex either as a male or female and requires a revised identity certificate then they would need to **apply to the district magistrate along with a certificate issued by the medical superintendent** or chief medical officer of the concerned hospital.

##### ◦ **Equal Opportunity Policy:**

- Every **establishment has been mandated to formulate an equal opportunity policy** for transgender persons with certain specific information as prescribed under the law.
- This will help **create inclusive establishments** like inclusive education, etc.
  - The process of inclusion also requires creation of infrastructure facilities like **separate wards in hospitals** and **washrooms** (unisex toilets).

##### ◦ **Complaint Officer:**

- Every establishment has been mandated to **designate a person as a complaint officer to handle complaints** from transgender persons.

##### ◦ **Transgender Protection Cell:**

- Every state government will also have to set up a Transgender Protection Cell under District Magistrate and Director general of Police **to monitor offence against transgender persons.**

##### ◦ **Welfare schemes:**

- The government has been mandated to formulate **welfare schemes and programs which are transgender sensitive, non-stigmatising and non-discriminatory.**

##### ◦ **Medical Care Facilities:**

- The government has been mandated to **set up separate [Human Immunodeficiency Virus \(HIV\) sero-surveillance centres](#)** to conduct sero-surveillance for transgender persons; provide for **medical care facilities including sex reassignment surgery and hormonal therapy**; and provide for a **coverage of medical expenses by a comprehensive insurance scheme** for surgeries and other therapies.

◦ **National Council for Transgender Persons:**

- Constitution of the NCT **to advise the government** for the formulation and monitoring of policies and redress the grievances of transgender persons.

◦ **Offences and Penalties:**

- Offences, like indulging transgender persons in **forced or bonded labour or denial of access to public places** or physical, emotional or sexual **abuse**.
- Other offences committed under the provisions of the Transgender Persons Act, are punishable with **imprisonment for a term of at least six months, extending up to two years along with fine**.

[Source:PIB](#)

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