



Mains Practice Question

Q. What are the problems faced by the transgender community in India? How far The Transgender Persons (Protection of Rights) Bill, 2019 will be able to address these problems and bring justice to this community? (150 words)

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Approach

- Begin by defining the term 'transgender' and their status in Indian Society
- Summarize the challenges faced by this community
- Enumerate the various provisions of the Bill
- Conclude suitably

Introduction

The term "transgender" is used most often to refer to people whose gender identity differs from their birth sex. The transgender community in India, has long borne the brunt of male chauvinistic social prejudices and draconian laws that criminalised alternative sexuality.

Body

The problems faced by the Transgender community in India include:

- **Discrimination:** They are discriminated against in terms of education, employment and access to public amenities. They are also treated badly by the police and are prone to struggle for social justice.
- **Lack of family support:** Once their identity is identified, they are forced and pressured to leave the parental home by society as they cannot be a part and parcel of normal community and class.
- **Unwanted attention:** People give unwanted attention to transgenders in public.
- **Lack of medical help:** They are vulnerable to HIV, depression, hormone pill abuse, tobacco and alcohol abuse, penectomy, and problems related to marriage and adoption.

Provisions of The Transgender Persons (Protection of Rights) Bill, 2019:

- The Bill states that a transgender person shall have the right to self-perceived gender identity and prohibits discrimination on various grounds.
- Every transgender person will have the right to be included in their household, and in case the immediate family is unable to take care of the person, he/she may be placed in a rehabilitation center.
- The government shall provide education, sports and recreational facilities for transgender people. Provisions for separate HIV surveillance centers and sex reassignment surgeries should also be provided by the government, as per the Bill.
- In order to exercise the provisions and functions of the Transgender Persons (Protection of Rights) Act 2019, Government will set up National Council for Transgender Persons (NCT). This body will advise, monitor and review the policies and schemes formulated by the central government for transgender people.

Despite its benevolent and holistic outlook, the Transgender Bill is being criticized because:

- It proposes a “screening committee” of experts for issuing identity certificates to individuals, which activists say could leave transgender people vulnerable to abuse.
- Begging is a primary source of livelihood for trans persons in India. By criminalizing the activity, the Bill pushes them into penury.
- The absence of any provision about education and affirmative action for the transgender community is another major shortcoming.

Conclusion

Sexual orientation and gender identity are integral to every person’s dignity and humanity and must not be the basis for discrimination or abuse in a democratic society. Thus, the Transgender Persons (Protection of Rights) Bill, 2019 is a right step in this direction.

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