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## National Council for Transgender Persons

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### Why in News

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Recently, the **Ministry of Social Justice and Empowerment** has constituted the **National Council for Transgender Persons**, under the **Transgender Persons (Protection of Rights) Act, 2019**.

### Features of Transgender Persons Act, 2019

- Seeks to establish **National Council for Transgender persons**.
- **Definition of a Transgender Person:** The Act 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.
- **Certificate of Identity:** The Act states that a transgender person shall have the right to self-perceived gender identity.
  - A **certificate of identity** can be obtained at the District Magistrate's office and a revised certificate is to be obtained if sex is changed.
- The Act has a provision that provides transgender the **right of residence** with parents and immediate family members.
- **Prohibition Against Discrimination:** The Act **prohibits discrimination** against a transgender person in various sectors such as education, employment, and healthcare etc.
- **Punishment:** It states that the offences against transgender persons will attract imprisonment between six months and two years, in addition to a fine.

### Key Points

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- **Aim:**
  - To **mainstream the transgender community’s concerns**, focusing on **livelihood issues** as well as to raise awareness about the trans community, so that transpersons are accepted within families and in the larger society.
  - To ensure that **transgender welfare boards** are set up in all States and essential needs of the transgender community, like housing, food, healthcare and education are met.
- **Functions:**
  - **Advising the Central government** on the formulation of policies, programmes, legislation and projects with respect to transgender persons.
  - **Monitoring and evaluating** the impact of policies and programmes designed for achieving equality and full participation of transgender persons.
  - **Reviewing and coordinating** the activities of all the departments.
  - **Redressing grievances** of transgender persons.
  - Performing such **other functions** as prescribed by the Centre.
- **Composition:**
  - Its **chairperson** will be the Union **Minister of the Ministry of Social Justice and Empowerment**.
  - It will also consist of:
    - **Representatives from five states or Union Territories** (one each from the north, south, east, west and northeast regions), on a rotational basis.
    - **Five members of the transgender community** (one each from the north, south, east, west and northeast regions).  
The tenure of the community members shall be **three years**.
    - **Representatives from 10 central departments.**
      - The council will have joint secretary-level members from the **Ministries of Health, Home, Minority Affairs, Education, Rural Development, Labour and Law**.
      - In addition, there will be a member from the **Department of Pensions (Ministry of Personnel, Public Grievances & Pensions), NITI Aayog, National Human Rights Commission and National Commission for Women.**

## Background

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- **2013:** The government set up an expert committee to study the problems of transgenders and recommend solutions.

- **2014:** In **National Legal Services Authority v. Union of India case**, the Supreme Court of India declared **transgender people to be a 'third gender'**. It also affirmed that the fundamental rights granted under the Constitution of India will be equally applicable to transgender people, and gave **them the right to self-identification of their gender as male, female or third-gender**.
- **2014:** A **private member Bill**, the Rights of Transgendered Persons, was introduced in the Rajya Sabha.
  - The bill looked at a range of entitlements of such persons, providing specifically for them in health, education sectors, skill development and employment opportunities, and protection from abuse and torture.
  - However, this Bill got lapsed.
- **2016:** The Government introduced its own Bill in the Lok Sabha and it was referred to a Standing Committee.
- **2019:** The Parliament passed the Transgender Persons (Protection of Rights) Bill, 2019.
- **2020:** Government establishes the National Council for Transgender Persons.

## **Way Forward**

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- The establishment of National Council for Transgender Persons which seeks to increase awareness and inculcate sense of respect and acceptance for transgender community, is a welcome step. However, its upto the effective functioning of the council whether it will able to identify the issues faced by the transgender community and accordingly advice the government.
- Apart from policies and regulations, there is also a need for an inclusive approach, sensitising legal and law enforcement systems in particular towards the issues of transgender community.

**Source: TH**