

A WAY FORWARD FOR TRANS PERSONS

Relevant for: Developmental Issues | Topic: Rights & Welfare of Minorities Incl. Linguistic Minorities - Schemes & their performance; Mechanisms, Laws, Institutions & Bodies

In this handout photograph taken on March 1, 2021 and released by Chhattisgarh Police on March 3, 2021 newly recruited police constables, who are members of the transgender community, pose for a picture at the state police headquarters in Raipur. | Photo Credit: [AFP](#)

No less than 13 members of the transgender community have been selected recently as constables under the Chhattisgarh police. This is truly historic and thrilling for a community that had no legal recognition till the Supreme Court in *NALSA vs. Union of India* (2014) ruled that transgender persons have the right to decide their self-identified gender.

The binary notion of gender, which denied equal protection of law to transgenders, was rejected and the required relief was provided by the top court. The transgenders, now in khaki, will be the first responders in handling law and order situations and others' grievances.

Though each of the selected persons has their own painful stories of abuse, discrimination and abandonment, their induction into the police force is a vital message to people that they are as physically and mentally competent as others. This is more significant in the backdrop of the fact that there was no reservation for the transgender community as a separate category. This may, hence, help in changing the perception of people who think of them as a fearful entity with a stigma of identity, disability, criminality, or untouchability. Earlier, a few transgenders were inducted into the Tamil Nadu police too.

The journey of transgender people has indeed been a long struggle. However, soon after the 2014 Supreme Court judgment, the Chhattisgarh government constituted the Third Gender Welfare Board to take up various welfare measures in favour of trans people. Instructions were issued to all departments to include 'third gender' as an option (along with male and female) in official documents that require mentioning the gender or sex of a person.

District-level committees were constituted to identify members of the transgender community so that welfare schemes could be implemented for their benefit. Sensitisation workshops were organised at State and district levels by the police department and police officers were apprised about the Central law and the Supreme Court's ruling on transgenders. Training capsules were prepared for police training institutes with the help of transgender members of the Welfare Board.

Further, after the announcement of vacancies, the police not only permitted the use of their sports ground for practice, but also helped them in preparing for the written examination. However, ultimately, it was the hard work of the transgender people themselves which ensured their success and marked their presence in the department.

The recently enacted Transgender Persons (Protection of Rights) Act, 2019, which paved the way for issuing a certificate of transgender identity, is in spirit with international conventions, particularly the Universal Declaration of Human Rights, 1948, the International Covenant on Civil and Political Rights, 1966, and the Yogyakarta Principles, 2006. The Act recognises that transgender persons have a legal right to self-perceived gender identity in accordance with the principle of the "Psychological Test" instead of the "Biological Test". According to law, transgender persons cannot be discriminated against in any matter relating to employment by any establishment.

In another recent judgment, the Kerala High Court allowed a petition moved by a transwoman seeking admission into the National Cadet Corps based on her self-claimed gender identity. The court held that the provisions of the NCC Act cannot preclude the operation of the Transgender Persons (Protection of Rights) Act. Thus, this new protective Central legislation has given a new lease of life to the whole community.

The selected trans recruits are excited to start their new innings of life with novel challenges, but a lot more needs to be done to bring about changes in the perception of people towards this marginalised community. The law must be implemented in letter and spirit to fulfil its objective. At the same time, society needs to erase its biases and accept transgender people as equal human beings with humility.

The author is a senior IPS officer in Chhattisgarh

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To reassure Indian Muslims, the PM needs to state that the govt. will not conduct an exercise like NRC

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