

The bias against transgender people runs deep

The Supreme Court recently issued a notice to the ministry of civil aviation and Air India after the public carrier denied a job to a transgender person allegedly on the basis of gender. Shanavi Ponnusamy, 26, an engineering graduate from Thoothukuddi in Tamil Nadu, underwent gender reassignment surgery in 2014 and subsequently trained to become a member of the cabin crew of an airline. But she was rejected since the ministry of civil aviation hasn't yet created a category for transgender persons.

Ponnusamy isn't the only one fighting such obstacles and prejudices. A sailor from Visakhapatnam was sacked by the Indian Navy on October 9 after a sex-change surgery. Sabi Giri, born Manish Kumar Giri, was pink-slipped ostensibly for breaching recruitment regulations and eligibility criteria. The Navy restricts recruitment of women to certain departments. Last week, the Delhi High Court asked the Navy if Giri could get another posting.

Batting for affirmative action, it is the judiciary which has repeatedly come to the rescue of transgender people facing discrimination. In 2014, a landmark Supreme Court judgment recognised that they should enjoy all the fundamental rights enshrined in the Constitution. Acknowledging the inherent biases that kept trans-people on the fringes of educational institutions and workplaces for reasons other than their ability, the apex court ordered setting aside quotas for them in jobs and education for the first time. But a bill tabled in the Parliament last year to formalise the rights of transgender people is yet to become law.

Clearly, just legislation or affirmative action by employers cannot be enough to change the people's attitude. The highly publicised appointment of 23 transgenders by the Kochi Metro Rail Limited hit a speed-bump when 11 of them quit in the first fortnight itself. Most of them cited difficulties in finding accommodation, prohibitively high rentals and the jibes from co-workers as the reasons that drove them to this decision. They said they were abused and ridiculed whenever they ventured out for work or otherwise.

Now, the Union social justice ministry is examining whether to do away with a contentious definition in the Transgender Persons (Protection of Rights) Bill, 2016 which focuses on biological features rather than an individual's freedom to choose his or her gender. A change in definition will be a step towards undoing some of the discrimination meted out to transgender people. It can empower transgender persons with an option to choose their gender independent of surgery or hormones. Clearly, it needs to be accompanied by systemic changes and greater sensitivity from employers. Ms Ponnuswamy shouldn't be discriminated against for dreaming of soaring above society's biases and asserting her gender identity.

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