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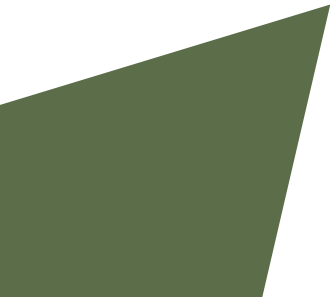
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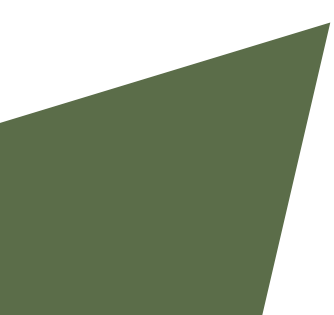
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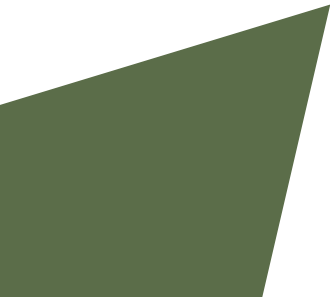
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| A Study on the Constitutional Rights of the Transgender & their Knowledge |

Shivani Shekhar

ABSTRACT

In the present study constitutional rights of the Transgender were collected from the different secondary sources and then on the basis of this knowledge of the respondents were estimated regarding their constitutional rights in different scale as low (0 to 30%), medium (30 to 60%) and high (60 to 100%). It was found that majority of the respondents (88.90%) had low level of knowledge regarding their constitutional rights.

INTRODUCTION

In the present study constitutional rights of the Transgender were collected from the different secondary sources and then on the basis of this knowledge of the respondents were estimated regarding their constitutional rights in different scale as low (0 to 30%), medium (30 to 60%) and high (60 to 100%). It was found that majority of the respondents (88.90%) had low level of knowledge regarding their constitutional rights.

OBJECTIVES

1. To study the social problems of transgender.
2. To study constitution rights of transgender
3. To study the action taken by the government for the development of transgender
4. To finout the knowledge level of transgender regarding their constitutional right.

SCOPE OF THE STUDY

The results of the present study provide the important factors about transgender in our country.

REVIEW OF LITERATURE

Scanning of relevant literature is helpful in formulating the framework of research problems undertaken. The availables views are presented in the height of objectives of the present study.

1. WNDP(2010), repeated that the transgender community in India are expressed to health related issue.
2. Khusboo R. Hotehandane (2014), that Tamil Nadu Aravanigal welfare board in landmark initiative by Tamil Nadu government in this field, there is an urgent need to transform and include this community as a part and parcel of society.
3. V.S Sharman and P.Nagraj (2015) , stated that the problems in third gender is life started from home. They also stated that transgender community face discrimination and high level of stigma in almost every walk of their life.
4. K.K show (2015) founded that 47.5% transgender unable to complete the basic education due to non supportive attitude of other community members.
5. 72.5% respondents have no attachment with other family members.
6. They were not shown any interests towards education.

MATERIAL AND METHODS

Raipur city was selected purposively. For this study, sample consists of 45 male to female transgender who were understand Hindi and local language and also willing to participate during the period of data collection. The data has been collected from both primary and secondary sources. Most of the data have been collected from secondary sources. For the collection of primary data, a two point (True/False) knowledge scale were developed to measure the knowledge level of transgender with regard to their constitutional rights. To the true answer –the score was given 1 and for false answer – score given was 0. Total score obtained, categorised in to three level- low (0 to 30%), medium (30 to 60%) and high (60 to 100%).

RESULT AND DECISION

OBJECTIVE-1. PROBLEMS FACED BY TRANSGENDER

The problems faced by transgender community in India includes :

1. DISCRIMINATION: It is the major problems of transgender they are discriminated in the term of the education, employment, entertainment justice etc.
2. DISRESPECT: Transgender are disrespected in each and every aspect of life except in few cases like after the birth of the child for their blessings and to bless the married couples.
3. EDUCATION: Lack of education facilities like normal people they are not entitled to take education in schools and colleges. Even in terms of education they are treated differently.
4. SOCIAL EXCLUSION: The major problem in the whole process is that they are socially excluded from society. They are also excluded from;
 - Economy, employment and livelihood opportunity.
 - Society and family
 - Decision making
 - Lack of protect from violence
 - Restricted access to education, healthcare and personal care
 - Limited access to public spaces
 - Lack of social security

OBJECTIVE-2: CONSTITUTIONAL RIGHTS OF TRANSGENDER

Preamble to the constitution mandates justice- social, economical and political equal in status
The constitution provide for the fundamental right to equality and tolerate no discrimination on the ground of sex, caste, creed or religion . The constitution also goverence constitutional rights

and other benefits to every citizens but the third gender community continues to be ostracized. The constitution affirms equality in all spheres but moot question is whether applied? Thus the first and foremost right that they are deserving of is the right to equality under article 14, article 15, speaks about prohibition of discrimination on the ground of religion, race, caste, sex or place of birth, Article 21 ensures right to privacy and personal dignity to all citizens, article 23 prohibits trafficking in human being as beggars and other similar forms of forced labour and any contravention of these provisions shall be an offence punishable in accordance with law.

RIGHTS GRANTED UNDER INDIAN LAW:

The rule of law in Supreme Court that everyone is equal in the eyes of law. Yet the transgender community is in a constant battle as they have to fight oppression abuse and discrimination from part of society whether it's their own family or friends or society at large. The life of transgender people are daily battle as there is no acceptance anywhere and they are ostracized from the society and also ridiculed. However the Supreme Court of India in its pioneering judgment by the division bench of justice K.S Radhakrishnan and A.K. Jaisankar in National Legal Services Authority vs. Union of India and ors. Writ petition civil no 400 of 2012 (NALSA) recognized the third gender along with male and female by recognizing diverse gender identities the court has busted the dual gender structure of man and women which is recognized by the society. Recognition of transgender as third gender is not a social or media created issue but a human rights issue. Justice K.S Radhakrishnan told that the Supreme Court wholeheartedly holding down the rule.

LEGAL PROVISION

To include transgender socially and economically in society the following efforts are ensured through legal procedure at state, national and supreme level.

STATE LEVEL:

As per the recommendation of C.S Dwarkanath backward classes commission of 2010 the transgender must be included in the category of backward classes to enjoy government benefits.

NATIONAL LEVEL :

The report of the National Commission for Protection of Civil Liberties (PUCL) recommended that civil rights under law such as right to get passport, ration card, make a will to inherit property and adopting children must be available to all regardless of change in their gender.

SUPREME LEVEL :

The Supreme Court has directed to control and state government to grant legal recognition of gender identity whether it is male or female or third gender. Apart from this they are also directed

to legally recognize for people who are transitioning within male/female binary. People health and sanitary facilities to transgender must be ensure by control and state. They are asked to provide various welfare schemes to treat the community socially and economically.

OBJECTIVE-3: GOVERNMENT EFFORTS FOR THE UPLFTMENT OF TRANSGENDER

Though the transgender people got a legal recognition it was not a smooth sailing for them because the social stigmas linked to the community continues to in the society whether or not Indian has open his heart for the transgender person, here are some successful stories of 2017 of transgender people.

1. Jyoti Mandol from West Bengal made history on July 2017, when she become the first transgender judge to attend the lok Adalat at Islampur in north Dinagpur district of West Bengal.
2. K.Prithika Tashmini took charge as the sub inspector of police at Dharampuri police station after completing her training at Tamil Nadu police academy.
3. In a first, karnls kochi metro Rail Ltd. employed 23 transgender people in may 2017.
4. Kajal from Mandaya district of Karnataka become first transgender radio jockey from state. s
5. Ganga Kumari has cleared police recruitment test in 2013 but was denied the post because of her gender. She later knock the door for jodhpur high court for justice. The high court on November 13,2017 ruled that ganga should be appointed within six weeks from the date of order.
6. Chhattisgarh is also set to join Tamil Nadu and Rajasthan in the recruiting Transgender people in police force and in December 2017 declared that it will recruit constable from transgender community.
7. On 29th October, 2014, the (UGC) issued a circular to all the vice chancellor of the university, requesting them to include a column for transgender community in all application form.

OBJECTIVE-4: TO FIND THE KNOWLEDGE LEVEL OF TRANSGENDER REGARDING THEIR CONSTITUTIONAL RIGHTS.

Table-1

Showing knowledge level of transgender regarding their constitutional rights

N=45

SN	Level of knowledge	Number	Percentage
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1.	Below 30% (Low)	40	88.90
2.	30%-60% (Medium)	05	11.10
3.	Above 60% (High)	00	00.00

The figures in the table-1 indicates that 88.90 per cent of the respondents had low level of knowledge regarding their constitutional rights whereas only 11.10 per cent possessed medium level of knowledge. It is very serious to note that that none of the respondents held high level of knowledge.

CONCLUSION

On the basis of the study it can be concluded that

1. The main problem which are faced by transgender community is discrimination, disrespect, lack of education and social exclusion.
2. From the point of view of transgender just like other two gender they are entitled to four important provisions of fundamental rights i.e Article 14,15,19 and 21.
3. Efforts are ensure through legal provision of state, national and supreme to include socially and economically in society.
4. Indians has opened its heart for the transgender people recruitment in government jobs.
5. Majority of the transgender possessed low level of knowledge regarding their constitutional rights.

SUGGESTION

The following are the suggestion for the betterment of transgender:

1. Inclusive approach must be planned and adopted by the government and society. Though policies has been framed but poorly implemented.
2. Legal and law enforcement systems needed to be empowered and sensitized on the issue of transgender.
3. School and colleges need to play a supportive and encouraging role in providing education and value system to transgender.
4. Awareness program must be organized at mass level to outreach public and this community.
5. Separate policies related to health and care must be framed.

6. Liberal care facilities and finance assistance must be ensure to start up their career as an entrepreneur or businessman.

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