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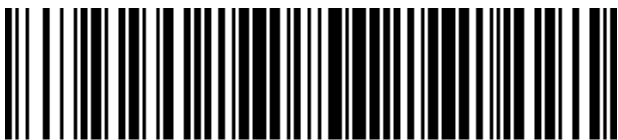
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**Transgender Bill 2019**

Bhavesh Gupta

Nature made a mistake, which we fixed is currently the feeling which resides in every transgender or what we call as the LGBTQ community. While embracing their own identities, speaking and standing up to the whole society without any flaws or feeling of being different from the society can be described as a part of their daily chores. But have we really thought about why a specific community is speaking for itself without any inferiority complex and ideas at a large? No I don't think we have. Because of our indulgence within our own lives. Yes "normal" as what's normal for us will never be the same for them. Our society is a place which revolves around all the atrocities and over hyped cultures. Well it takes us dating back to the time when transgender were considered as unholy patch upon their own family. To be honest nothing much has changed if we talk about the practicality keeping all the theoretical bills aside. During ancient time the concept of a transgender or what we generally call in laymen language- "Hijras" have been recognized and given due respect. Even if we recall the ancient history a literature named Kama Shastra in the Hindu text have referred them as 'tritiyapakriti' known as third gender which has been a part of Vedic period and puranic literature therefore characterizing men who desire other men considering their third nature. Hijras even play an essential role during the Mughal period in their court rooms and were also a part of various activities. With the further passage of time people came up with different theories about transgender which eventually concluded that they were treated unequal and starred with suspicious eyes. In a country like India rule of law safeguards the interest of its citizen and provide justice in case of violation of their freedom to live with utmost dignity under article 21 of the constitution. Moreover even the preamble of the constitution states justice, equality of status to every individual thus as being transgender the major right they have is Article 14 which states right to equality , Article 15 states the prohibition of discrimination on the basis of religion , race , caste ,sex or place of birth. Despite of granting such rights to every citizen equally still the problem is being faced by transgender of the society. In order to solve the confusion of them being referred to as male or female- A Transgender Amendment Bill 2019 was passed. The major problems which were highlighted by the community was discrimination on the basis of their gender, or no source of employment and even the matter of fact their own families abandoned them completely. They have no home, no education or any sorts of medical facilities popping all kinds of problems in their normal survival. Although they were allowed to vote but were not allotted any identity card to prove their importance in governing society's decision. The problem was yet to begin when the community was denied any rights in adoption and inheritance of property making beggary and dancing the only source of income for their livelihood. Also there were times when they did engage themselves in the devastating acts of human trafficking in order

to put roofs over their heads. Not to forget that there are times when they are verbally or even physically molested by government officials who rather than providing justice to them in turn extort heavy amounts of money out of their pockets. In 2007 a study report provided details of physical abuse around 44% in transgender, while the threat to their lives was estimated 24%. The government tried to tackle the issue with the help of various departments who in turn organized various welfare schemes but none of them focused mainly on third category of sex which was again a setback. . Later in the year 2014, a judgment was passed by supreme court in the case of National Legal Services authority v UOI where transgender were recognised as a third gender thus providing them with all the fundamental rights available to them and giving them a chance of self-identifying themselves. Gradually a bill was introduced in Rajya Sabha for securing the rights of the particular committee on the basis of health, education, employment opportunities and to protect them from any kind of exploitation but later the bill got lapsed. Again in 2016 the government introduced another bill in Lok Sabha where the community was defined on the basis of intersex variations, educational rights but certainly due to the dissolution the bill again got lapsed. After struggling with the battle of being recognized and to live with dignity a ray of hope appeared on November 26, 2019 where a bill was passed providing various provisions relating to the protection of their rights which included several clauses defining- a transgender is a person whose gender does not match with the gender which is assigned at birth and includes trans-men/women, Hijra, gender-queer or kinnar. The bill also states about the discrimination against the community and to treat them equally while providing them with equal work opportunities, health care sector and all the good facilities enjoyed by an individual. They also have a right to reside in their family and if they are uncomfortable can directly contact the officials and will be placed under rehab centre according to the order of the court. Transgender would also be provided with adequate educational skills and would be given a certificate of identity for the specific community, they have to approach the District Magistrate to obtain such certificate which states that they will be able to change their gender either to being a male or female on the government issued identity cards. The main aim to obtain such certificate is to show the proof of sex reassignment surgery. By providing all such facilities the community still feels violated by the provisions made, they have started opposing the government for the same as they feel that the bill is violation of their human rights as how can government force them to opt of the procedure of surgery and then declare them as third gender. They feel that every individual has freedom to speech and expression and they can express them the way they want to , they also feel the fact that they have to prove their identities by this surgery makes no sense. Many transgender have also



stated that the government is being negligent and only focused on the matter of transgender or Hijra but fails to accept the various people of the same community. The debate is reaching to every corner of the country with the aim that people would stand up for them and make them feel as secured as every normal person is treated. With the opinion of this article what common people feel about transgender are that they should be heard first about all their problems which they are facing and act accordingly, the government has neglected various serious cause of the issue that is if a transgender wants to join the community they should have the right to do so. The bill mentioned about the need of certificate and also to approach the court which in itself is a very expensive procedure which many Trans people may not be able to afford and also indicates the violation of their privacy. The court fails to address the reforms which are needed to be improved as –the police reforms must be taken into account as it is considered as one of the main threat to the particular community, many such programs regarding sex education about transgender should be promoted so that every person is well aware of the situation, we see that many of transgender people now speak out on a large platform presenting their ideologies, their thinking and what is the attitude of people towards them. At last, we as a human think that now transgender are given rights and we have made a better place for them to live with confidence and they have equal status as us but a lot more needs to be done by the court to change the minds and attitude of the society towards them and then the goal of achieving the equal status would not only be a word but a feeling within every transgender in our country.