

Rights Of Transgender In India with Special Reference to Transgender Persons (Protection Of Rights) Act, 2019

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Abstract

Transgender Community has existed in India since a long time. They form an important part of the society and their existence is undeniable. They have long been living in the shadow of boycott, violence and discrimination. Despite all constitutional guarantees by the world's longest Constitution, transgenders are denied their basic rights like right to freedom of expression, education, right to dignity, etc. The present paper focuses on various challenges faced by the community in terms of social boycott, absence of law relating to marriage, adoption, medical facilities, discrimination in education and jobs, changed position of transgenders over the period of time, current legislative framework and its efficacy followed by judicial pronouncements and conclusion.

I. Introduction

In the past few years, the transgender movement in India has gained surprising visibility and strength. The Supreme Court of India has been a major contributor in strengthening the revolutionary wave of transgender rights by passing a landmark judgement of ***National Legal Services Authority v. Union of India***ⁱ, where it has recognized 'third gender'. In the legislative arena, a major development came in the form of The Transgender Persons (Protection of Rights) Act, 2019 which received President's assent on 5th December, 2019. Other than this, many Universities across the country have introduced "transgender" column in their admission application forms. There are many people from the transgender community, who have acquired employment in various sectors, like, Madhu kinnar became mayor of Raigarh (Chhattisgarh), Manabi Bandhopadhyaya became first transgender principal of a college in West Bengal, Sathyasri Sharmila became

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