



India law protects transgender persons

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Transgender persons in India can now claim enhanced protection under the [Transgender Persons \(Protection of Rights\) Act 2019](#) that took effect 10 Jan 2020.

Highlights

- The law defines transgender as a person whose gender doesn't match the sex assigned at birth, including trans men and women, persons with intersex variation, gender-queers, and persons with sociocultural identities like "kinnar" and "hijra."
- Transgender persons are protected from discrimination, including unfair treatment with regard to employment (including but not limited to recruitment, promotion and other related issues), education and healthcare, and the denial of access to goods, facilities or opportunities available to the public.
- Organizations must designate a complaints officer to address violations of the law, and provide facilities as may be prescribed in the future.
- Transgender individuals are entitled to enhanced health services, including separate HIV centers, sex reassignment surgeries and hormonal therapy counselling.
- A transgender person can request a new identity certificate that specifies their transgender status.
- Sanctions for breaches of the law include imprisonment of between six months and 24 months, and fines for offenses concerning violence against or abuse of transgender persons. Employers generally won't face sanctions for failure to appoint a complaints officer, but they could be ordered to comply and may pay fines if an individual were to make a successful legal claim.

- A new National Council for Transgender Persons will advise the central government on the impact of policies and legislation impacting transgender people and will address their grievances. Council membership will include key ministers, state governments, representatives from the transgender community, and five experts from nongovernmental organizations.

Related resources

Non-Mercer resource

- [Transgender Persons \(Protection of Rights\) Act 2019](#) (The Gazette of India, 5 Dec 2019)

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- [Indian parliament proposes rights for transgender individuals](#) (15 Oct 2019)

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