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SOCIAL BOYCOTT OF TRANSGENDER AND INDIAN CONSTITUTION - AN ANALYSIS

AUTHORED BY – DR. M. A. THAMIZH SELVI

We all know that the marginalised community was recognized as the third gender by the Supreme Court in 2014. They are often discriminated against, oppressed and not allowed to be with our society. This research article focuses on the biggest problem faced by transgender people, and how we can eliminate this problem and what type of protection is exercised by transgender people. One of the biggest problems that transgender people face is strict gender control faith. Based on this, will analyse the causes and consequences of transgender people's problems and their solutions. The integration of transgender people into schools and colleges is very difficult to provide educational opportunities to transgender. Individuals are quite difficult due to the problem of integrating both male and female students. This article exposes the various ways of social boycott of transgender.

Keywords:

Transgender, boycott, opportunities, integrating.

Social Boycott of Transgender and Indian Constitution - An Analysis

Introduction

Transgender people are part of our nation., have equal rights to everything available to everyone in the world. Although all rights are guaranteed for transgender people also are deprived of even basic rights such as personal freedom, dignity and gender freedom.

These include the right to personal freedom, dignity, freedom of expression, education and support, and freedom from violence, discrimination and One of the main problems faced by transgender people is living in a real-life society that maintains rigid gender norms and beliefs. In the National Legal Services Authority v. Union of India in this case the decision of Supreme Court not only recognized transgender people as a third gender but also directed the Ministry of Home Affairs and the State Government to take necessary steps to Conduct various public health and public awareness campaigns to eliminate gender discrimination against all

transgender individuals.

Challenge faced by Transgender people

Although our society is advanced in many ways, when it comes to transgender people, the society accepts them as part of humanity as well as accepts in some places they face rigorous problems and need governmental protection. They do not have the right to education because they are not given educational opportunities. About 1% to 2% of transgender people are limited to higher education levels due to lack of education. Transgender people are denied access to government and private sector jobs which leads to denial of Right to Equality under Article 14 of our Indian constitution. Indian Constitution Article 14 provides that “The State shall not deny any person equality before the law or the equal protection of the laws within the territory of India”, but it is violating day today life of transgender. They have the opportunity to participate in social, economic and financial affairs, but they can't participate because of some lagging behind.

The third woman is a new gender in Indian as well as international perspectives. These new genders emerged with the emergence of the crew. They are prevented from participating in society and culture and therefore have limited access to education, health care and public space, and are deprived of the legal recognition of equality before the law and the right to equal protection before the law.

In India, vocational training for transgender people is not preferred. They are deprived of home and school environment. Transgender people risk losing their future and employment by discontinuing their education. Close analysis of various publications and discussions with communities and stakeholders showed that transgender people are the most uneducated group. The average level of education is secondary school and High school expectations are less and dropouts in primary and secondary schools remain high.

They are hardly able to get any education because they are not accepted by society and therefore cannot get a good education. Even if they enter school, they are exposed to bullying and construction every day, and they even drop out of school or go on their own.

That is why they pray and engage in sexual activity. The government has a responsibility to provide inclusive education for transitional students and to provide education for adults.

Integration of transgender people in schools and colleges is very difficult. It is very difficult to provide educational opportunities to transgender people due to the problem of integrating both male and female students. India has finally achieved the integration policy that it had hoped for but failed to achieve for a long time. It is also important to draw your attention to the many ways in which it cannot be realized.

Article 15 of the Constitution of India prohibits the State from discriminating on the basis of "sex". "Sex" is purely based on biological differences. On the other hand, people and laws require transgender people to obtain identification documents for the government to legally recognize them, The Act suffers from many flaws and also violates the Supreme Court's decision in the NALSA case. The state approach will not ensure the success of policy change. It limits efforts and international efforts to prevent recognize change. Under people in schools also face violence, including physical, sexual and emotional neglect and discrimination. They are often isolated and abused, or not allowed to join their classmates. The terms sex and gender are often used interchangeably, but this is not correct.

According to the World Health Organization, "Sex refers to the biological and physical characteristics that define male and female." Gender refers to the social roles, attitudes, activities and behaviours assigned to male and females (World Health Organization, 2015).

The main problem throughout is that transgender people are ostracized by society. They even struggle to exercise their basic rights. They received the right to vote in 1994 but were denied. Some of the problems that lead to isolation or work and lifestyle. No health facilities, limited access to public spaces, decree-based exclusion from society, no social security, no protection from violence.

Today, India faces gender discrimination and harassment from every angle. Although there are many successful people in India, they are still subjected to injustices such as insults, physical and sexual abuse, wrongful arrest, wrongful dispossession of ancestral properties:

Sathyasri Sharmila from Tamil Nadu became the first transgender lawyer in the country in 2018. (Paramakudi) left home at the age of 18 because she could not tolerate the language of her neighbours and subsequently changed her name even though she was suffering through our society.

Under the Employment Insurance Act, 1923. Minorities or transgender individuals are not considered as "persons" for the purposes of insurance claims, benefits and for-profit options. Indeed, India's transgender community lives in a violative environment of oppression, discrimination and exclusion.

The Transgender Rights Movement is a movement that aims to improve the legal rights of transgender people and to end the discrimination and violence against transgender people in housing, employment, public service testing, education and healthcare.

The Indian city of Cochin has opened a boarding school for transgender people to help adult school dropouts complete their education. "The school's aim is to get transgender people into a decent job and to have a good life," the school's principal and transgender activist Vijayaraja Mallika told these healthy activities to BBC. Teachers are also part of society, which aims to protect and support the students. Each and every state having duty to provide free and compulsory education to all our citizens under Art 21A of our Indian Constitution. The Parliament of India enacted the Right to Education (RTE) Act, 2009, to ensure that children between the ages of 6 and 14 years in India have the right to free and compulsory education. The bill is based on Article 21A of the Constitution of India, which was inserted by the Constitution Amendment (Eighty-Sixth Amendment) Act, 2002.

The Preamble of the Constitution of India declares that the justice, social, economic and political equality for all citizens. The Constitution, through Articles 14 and 15 of the Act, recognizes the right to fundamental equality and promises non-discrimination on the basis of race, religion, caste, sex and place of birth.

Article 15 of the Indian constitution prohibits discrimination on the grounds of religion, caste and place of birth, grounds of race, ethnicity, religion, sex, or any of these grounds, followed this the state shall not discriminate against other citizens on the above said grounds. In *Christine Goodwin v. United Kingdom*. The European Court of Human Rights has ruled that after the extension of the term "sex", the "gender" of the word is also covered by the term "sex".

Article 5 of the Constitution of India clearly said that everyone has the right to become a citizen of India. It does not specify sex or gender as a prerequisite condition for citizenship. Article 23 of the Constitution of India prohibits discrimination on any basis.

General Clauses Act, 1897 under Sec 3 explain the definition of "Person". The law covers any company, association or organisation of persons, whether legal personality or not. In the Birth and Death Registration Act, 1969 under this bill gender is neutral. It does not specify the sex or gender of the person whose birth or death is to be registered.

Tamil Nadu and Karnataka have incorporated the development policies for uplifting of transgender people. In India, Karnataka Backward Classes State Commission CS. Dwarakanath made a request in Proposal No. 1. 22 of 2010 that transgender people should be included in backward classes to get government assistance. Tamil Nadu Transgender Welfare Board was formed to protect the cause and progress of transgender people in society including housing, employment, education etc.

Higher Educational and Transgender Community NALSA v. Union of India, University Grants Commission (UGC) issued a notification to the heads of all Universities on October 29, 2014, requesting inclusion of all lines for the transgender community in all Universities. The Application Form also includes a consent from the school to prevent transfer of students.²¹

Gender Identification and Certificate procedure

Legally, a transgender person is someone whose gender does not match their sexual identity there are genders assigned to a person at birth; these include transgender people, third gender people or transgender individuals, gender assigned people, hijra, Aravani, and people with practices such as Jota. The Transgender Protection Act, 2019 provides that anyone attempting commits any wrongful offensive activities against transgender people, these activities under the Transgender Protection Act, 2019 or the society can separate a transgender individual from his/her family or ask him/her to leave the house then that person committed an offence Under this Act and also provides imprisonment also. Based on the the Supreme Court pronouncement the Parliament of India passed the Transgender Persons Bill, on 5th August 2019 and the House of Representatives passed the bill on 26th November 2019. The final bill was assented by the President of India on 5th December 2019 and became law. It came into force on 10th January 2020 by the Government of India.

The law prohibits the discrimination against transgender individuals, including unfair treatment or denial of services in other aspects such as education, employment, health care, community participation, mobility, public or private sector rental or timekeeping. According to the

Constitution of India, the principle of gender equality is firmly enshrined in the Preamble, Fundamental Rights, Fundamental Duties and Directive Principles of state policy of the Indian Constitution. Because gender equality has been incorporated into the existing laws in the Indian Constitution Under Article 14. There is no specific provision in the Indian laws recognizing international transfers.

In 2014, the Supreme Court of India issued a judgement declaring transgender individuals as thirdgender people. Fundamental rights enshrined in the Constitution of India will be available to them and they will be given the right to indicate their gender as male or female . National Legal Services Authority v. Union of India, a landmark judgement of the Supreme Court of India in 2014. It is claimed that the fundamental rights provided by the Indian Constitution will be applied equally to third gender transgender individuals also and they will be given the right to identify as male, female or third gender. The decision is seen as a major step towards gender equality in India. The court also stated that the transferees are considered as economic recovery. They will get reservations in education, school and work. Due to lack of social recognition, transgender people are not considered as part of humanity. Parents of transgender people believe that having a transgender person is a cult because it brings shame to the family. Another problem is marriage.

The above said bill aims to address these and other issues. The Bombay High Court noted that during the panchayat elections, the petitioner claimed to be a woman and a transgender and hence her petitions were rejected. The court said the petitioner had asserted her right to identify as a gender and accepted the petition of a transgender person. The law explains how to register your gender as a transgender person in 5 steps. The first step is to apply to the judicial Magistrate to transfer the transgender certificate to the child. If the parent is the legal guardian If there is no application, the person can apply on: They become professionals when they turn 18, the standards set may vary in each region.

Step 2 The judicial Magistrate will issue a certificate. According to the application made in Step 3, the person's gender change will be recorded in the main file kept by the District Governor's Office. If the transgender person undergoes medical intervention or gender change after the problem occurs, the new gender will be assigned to the District Judge with a certificate to be obtained from the Medicial Superintendent or Doctor by the transgender person and the last step will be the 5th Court issued the Change the certificate so that we know the gender of

that person When a person registers their gender, they will receive a gender change certificate.

The certificate will serve as a proof of their identity as a transgender person. The said person's gender will be recorded as transgender, or through the gender on all official documents gender identity refers to a person's internal sense of being of a particular gender. This choice is made when a person understands their internal and individual experience of their body, bodily appearance, speech, mannerism etc., If a person does not identify themselves with the gender that they are assigned during birth .They can choose to identify with some other gender. In India transgender persons are legally recognised as transgender or other gender. Our Indian Constitution provides equality, equality opportunity, and movement so on. Every citizen of India having right to exercise under our Indian Constitution.

Protection Under International Scenario

The Universal Declaration of Human Rights (UDHR) 1948 and the International Covenant on Civil and Political Rights recognize the dignity and inalienable rights of all members of the human family. Article 6 of the Universal Declaration of Human Rights and Article 16 of the International Covenant on Civil and Political Rights clearly state that everyone has the right to life and that right is protected by law and that no one can be denied this right. They also emphasised that no one should be deprived of their right to recognition. Article 7 of the International Covenant on Civil and Political Rights states that no one shall be subjected to torture, cruel, inhuman or degrading treatment or punishment. Article 17 of the International Covenant on Civil and Political Rights refers to the right to legal protection against interference or opposition.

In 2016, the UN Security Council condemned that the Orlando Night Massacre; As of 2021, same-sex marriage is legally binding and recognized in United Nations member states.

Conclusion

The government should implement certain schemes, Acts, Regulations and programmes for the benefit of transgender people. Parliament should Strengthen the law to ensure the protection and support of transgender people. Transgender people face discrimination and harassment everywhere. In the case of Transgender harassment include verbal, physical and sexual abuse, and also denied access to social and political rights. Therefore, it is the responsibility of all countries to urgently take measures to solve these problems through their laws. Every person

give respect to transgender people then only they can equip themselves.

Endnotes

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