



## Transgender Persons (Protection of Rights) Bill

Click [here](#) to know more on the issue

\n\n

### Why in news?

\n\n

The Lok Sabha passed the Transgender Persons (Protection of Rights) Bill, 2016 recently after certain amendments.

\n\n

### What are the highlights of the original bill?

\n\n

\n

- The bill creates a statutory obligation on public and private sectors to provide them with employment and recognises their right to “self-perceived gender identity”.

\n

- A transgender person must obtain a certificate of identity as proof of recognition of identity as a transgender person and to invoke rights under the Bill.

\n

- It also provides for a grievance redressal mechanism in establishments.

\n

- It has provisions to establish a National Council for Transgenders.

\n

- It makes the government responsible for preparing welfare schemes and programmes which are “transgender sensitive, non-stigmatising and non-discriminatory”.

\n

- It holds that it is a crime to push transgender persons into begging or bonded or forced labour.

\n

- The Bill recognises the rights of transgender persons to live with their families without exclusion and use the facilities of those households in a non-discriminatory manner.

\n

\n\n

## What are the concerns with the recent amendments?

\n\n

\n

- **Identification** - It defines a transgender as a person whose gender does not match with the gender assigned to that person at birth.
- It also includes trans-man or trans-woman, person with intersex variations, gender- queer and person having such socio-cultural identities as kinner, hijra, aravani and jogta.
- However, the bill envisions a district screening committee which will be invested the power to certify people as trans or not.
- A person who wishes to transition from one gender identity to another will be certified as male/female only after a gender reassignment surgery.
- This requirement goes against the principle of self-identification as laid down by the supreme court.
- It also goes against the Nalsa judgment that had specifically laid out that any insistence on surgery for declaring one's gender is immoral and illegal.
- **Employment** - The Bill criminalises begging and prescribes a jail term for 6 months to 2 years for anyone who compels or entices a transgender person to indulge in the act of begging.
- This may harm the community, since in the absence of employment, transgender persons engage in begging as a means of livelihood.
- **Reservation** - The Bill states that the State will ensure the “rescue, protection and rehabilitation” of transgender persons.
- However, it fails to grant backward class reservation to trans people in education and public employment.
- Also recognition of civil rights in marriage, divorce and adoption among transgender persons have not been addressed.

\n

- **Rehabilitation** - The bill bars forcible separation of transgender persons (including transgender children) from their families, except through court orders.

\n

- They should either live with their natal “family” (blood or adoptive relations) or sent to rehabilitation centres.

\n

- However, the bill failed to note that it was within the family that many transgender persons faced harassment and abuse, and often felt driven to flee their homes.

\n

- Also, when a parent or immediate family member is unable to take care of a transgender, they should be sent to a rehabilitation centre.

\n

- This controls the right to liberty of a cisgender people (people who identify with the same gender identity they were assigned at birth) and make them subjects of “care” which they do not want or need.

\n

\n\n

\n\n

**Source: The Hindu, Business Standard**

\n



**IAS PARLIAMENT**

*Information is Empowering*

A Shankar IAS Academy Initiative