

Discuss the shortcomings in Transgender Persons (Protection of Rights) Bill, 2016. Suggest guidelines to modify the bill to be more comprehensive.

Denial of the progressive clauses in 2014 Praveen Mendiratta Bill on transgenders and in the SC's judgement in NALSA vs Union of India case, the government's Transgender Persons (Protection of Rights) Bill, 2016 is largely grounded on the traditional heterosexual world view.

DEFINITION - The Bill defines transgenders largely on the medical terms as 'partly male or female; neither male nor female; combination of male and female'.

- The Bill must thus be modified to depart from this strictly male-female binary definition, as suggested by the Supreme Court, so as to eliminate the social stigma associated with them and be more flexible and inclusive.

IDENTIFICATION - The Bill puts in place a District Screening Committee before which the individuals must submit themselves to be recognised as transgenders.

- They should be relieved of this pressure and be allowed to self-identify their sex and gender as put forth by the SC ruling.

SOCIAL UPLIFTMENT - The government Bill only specifies "equal opportunities in all spheres of life" as a social support clause.

It fails to make provisions for exclusive reservations for transgenders in education and employment.

- The Bill is essential to be reworked to recognise the transgenders' priorities as fundamental rights, going by the NALSA judgement.

- The legislation should be facilitative of making positive affirmative action in supporting the freedom, autonomy of transgenders in their choices on education, employment, social interactions, community life, etc.

- The civil rights available to any common citizenry such as those on marriage, adoption, divorce, etc should be extended to transgenders.

GRIEVANCE REDRESSAL - The 2016 Bill provides for internal establishments to designate a complaints officers from among the transgender community.

This may prove to be inadequate in effectively addressing the issues of violations and other grievances with implementation.

- Having in place Central and State Commissions and complementing with Transgender Rights Courts could be an effective grievance redressal mechanism.

The Bill thus needs a renamp, to be more progressive, rights-based, inclusive and comprehensive legislation for social upliftments of the transgender community.