



Rights, revised

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Rights, revised-Lok Sabha has passed a new Bill to protect transgender persons, but concerns remain

- The passage of a Bill in the Lok Sabha to secure the rights of transgender persons is a progressive step towards extending constitutional protection to this highly marginalised community.

Context

- The Transgender Persons (Protection of Rights) Bill, 2018, as passed, is an improved version of the legislation introduced two years ago.
- The earlier draft was widely perceived as falling short of the expectations of stakeholders and not adequately rights-based, as envisaged by the Supreme Court in its landmark decision on transgender rights in 2014.
- Experts, as well as the Standing Committee of Parliament on Social Justice and Empowerment, had criticised the original definition of 'transgender persons' for violating the right to self-determined identity.
- The revised definition omits the reference to a 'neither male nor female' formulation, and covers any person whose gender does not match the gender assigned at birth, as well as transmen, transwomen, those with intersex variations, the gender-queer, and those who designate themselves based on socio-cultural identities such as hijra, aravani, kinner and jogta.
- The requirement that a district screening committee must recommend the issue of a certificate to each transgender may be necessary to prevent misuse, but such a process goes against the principle of self-identification, a key right the Supreme Court had protected.
- The government has omitted the need to go through the same screening committee to get a revised certificate after a transgender has sex reassignment surgery, but the medical certification requirement remains.
- There are other legitimate concerns in the revised Bill, which will now

go to the Rajya Sabha.

- Another concern is that the Bill criminalises begging by making it an offence for someone to compel or entice a transgender person into seeking alms.

Limitations

- The Bill, unfortunately, does not give effect to the far-reaching directive of the Supreme Court to grant backward class reservation to the transgender community.
- Nor have the Standing Committee's concerns about recognising civil rights in marriage, divorce and adoption among them been addressed.
- There is much good intention behind the welfare provisions, but social legislation is much more than high-minded clauses.
- It needs to be followed up with zealous implementation and framing of deadlines to achieve specific objectives.

<https://www.thehindu.com/opinion/editorial/rights-revised/article25783926.ece>

