

The Transgender Persons (Protection of Rights) Bill, 2016

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Highlights of the Bill

- The Bill defines a transgender person as one who is partly female or male; or a combination of female and male; or neither female nor male. In addition, the person's gender must not match the gender assigned at birth, and includes trans-men, trans-women, persons with intersex variations and gender-queers.
- 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.



Image Credit: Wikimedia Commons

- Such a certificate would be granted by the District Magistrate on the recommendation of a Screening Committee. The Committee would comprise a medical officer, a psychologist or psychiatrist, a district welfare officer, a government official, and a transgender person.
- The Bill prohibits discrimination against a transgender person in areas such as education, employment, and healthcare. It directs the central and state governments to provide welfare schemes in these areas.
- Offences like compelling a transgender person to beg, denial of access to a public place, physical and sexual abuse, etc. would attract up to two years' imprisonment and a fine.

Key Issues and Analysis

- The Supreme Court has held that the right to self-identification of gender is part of the right to dignity and autonomy under Article 21 of the Constitution. However, objective criteria may be required to determine one's gender in order to be eligible for entitlements.
- The Bill states that a person recognised as 'transgender' would have the right to 'self-perceived' gender identity. However, it does not provide for the enforcement of such a right. A District

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Current Status: Pending
Ministry: Social Justice and Empowerment

Stage	Date
Introduction	Aug 2, 2016
Com. Ref.	Sep 8, 2016
Com. Rep.	Jul 21, 2017
Lok Sabha	Introduced
Rajya Sabha	

Relevant Links

- [Bill Text](#) (154 KB)
- [_](#) (1032 KB)
- [PRS Bill Summary](#) (305 KB)
- [_](#) (607 KB)
- [PRS Legislative Brief](#) (275 KB)
- [Private Member Bill as passed by RS](#) (223 KB)
- [Transgender rights case \(NALSA vs. UoI\)](#) (1040 KB)
- [Report of the Expert Committee on the Issues relating to Transgender Persons](#) (5 MB)
- [Standing Committee Report](#) (1456 KB)
- [PRS Standing Comm Report Summary](#) (744 KB)
- [_](#) (1056 KB)

Related news articles

- [Government Set to Re-Introduce Transgender Persons' Rights Bill, Ignoring Key Recommendations, The Wire, Nov 20, 2017](#)
- [Centre apprises HC on](#)

Screening Committee would issue a certificate of identity to recognise transgender persons.

- The definition of 'transgender persons' in the Bill is at variance with the definitions recognised by international bodies and experts in India.
- The Bill includes terms like 'trans-men', 'trans-women', persons with 'intersex variations' and 'gender-queers' in its definition of transgender persons. However, these terms have not been defined.
- Certain criminal and personal laws that are currently in force only recognise the genders of 'man' and 'woman'. It is unclear how such laws would apply to transgender persons who may not identify with either of the two genders.

[status of Transgender Persons Bill, Hindu, Oct 11, 2017](#)

[Centre to pass 2016 transgenders Bill soon, says Ramdas Athawale, Deccan Chronicle, Aug 22, 2017](#)

[Take steps to get transgender rights bill passed in Lok Sabha: Madras HC tells govt, First Post, Aug 17, 2017](#)

[Govt to make efforts to pass Transgender Bill soon, says Ramdas Athawale, Indian Express, Jul 31, 2017](#)

[A rights bill gone wrong, Hindu, Jan 10, 2017](#)

[Transgender bill fails to incorporate spirit of NALSA verdict, First Post, Nov 05, 2016](#)

[A flawed Bill, Frontline, Oct 27, 2016](#)

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