

# TRANSGENDERS' BILL 2019 DENIES THE COMMUNITY TO DECIDE THEIR OWN IDENTITY — A RIGHT GRANTED BY THE SC

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Revathi is a transgender activist, writer and actor. Her autobiography, *Vellai Mozhi*, is out in English as *The Truth About Me: A Hijra Life Story*. She also does solo performances based on it.

Transgender Bharatanatyam dancer Nartaki Nataraj (from Tamil Nadu) was the first transwoman to claim her identity as Thirunangai. The term was later adopted by the Tamil Nadu government through an order. Kalaingar M [Karunanidhi](#), who issued this government order as chief minister, insisted that derogatory terms such as onbathu (nine), ali or pombalachatti to refer to a transgender should be done away with and that they should be addressed as Thirunangai — a respectable, dignified term.

In Tamil Nadu, the respectable term came to be accepted by almost everybody. The transgender community in Tamil Nadu expressed its gratitude to Kalaingar. Since this government order, the media has been addressing us as Thirunangai. It is pertinent to note that the present state government in Tamil Nadu has removed the term Thirunangai and replaced it with “third gender”.

In keeping with the Supreme Court’s direction, DMK MP Tiruchi Siva introduced a private member’s Bill for the rights of the transgender community. This includes the rights of the community to safety, education, employment and identity. The transgender community across India welcomed this move and expressed their gratitude to Siva for the same.

But today, the Centre and the state government have created an undesirable situation for the transgender community as a whole. The present Bill of the Centre seeks to deny the right of the transgender community to decide their own identity — a right granted by the Supreme Court.

This inevitably gives rise to questions: How can a third person decide my identity or my gender? Who else will know who I really am? My gender is my right. Is it not well within my right to decide if I am a man, woman, transman or a transwoman? Can anyone deny that the Supreme Court has reiterated this right of ours?

The Bill is not just a transgression of our rights reaffirmed by the Supreme Court but also a gross violation of human rights. The Bill does not augur well for democracy and freedom. I could only understand the decision of this government to undo a good move of the previous government as an outcome of political vendetta. I firmly believe that a new government should work upon the already existing good schemes in the interest and welfare of its people. Unfortunately, in this Bill, this is not the case.

I also firmly believe in individuals’ right to decide their identity. I wish to identify myself as a woman. I know many Thirunambis (transmen) who wanted to identify themselves as men. (The Bill effectively tramples on our rights and wishes to be identified as we would want to be.)

The identity “third gender” raises many questions. Who are categorised as first gender? If it is

men, are they superior to women? Does it imply that transgender are inferior to women? On what basis is humankind discriminated as such? Former Tamil Nadu chief minister

J [Jayalithaa](#) (the state government still claims to be led by her in spirit) often said she was made of the people and she exists for the people. Aren't those who follow her duty-bound to honour those words and work in the interests of people, heeding to their views and rights?

The Central government should examine if the Bill recently passed is in accordance with the order passed by the Supreme Court and wishes of the transgender community. It should also examine if the Bill will really ensure the safety of the transgender community and act in deference to the wishes of the community.

I wish to make it clear that as a community we hold no grudges towards any government. We wish to offer assistance to the government in all welfare schemes that it would want to carry out for the people. But at the same time, we have the right to protest against a Bill or a scheme thrust on us against our interest.

I still believe that I am born in a free and democratic country. By passing this Bill, I record with pain that the government will only push us back by 50 years, undoing all the good measures that have happened in society. The governments should reconsider their acts and do what will take us forward as a community.

*This article first appeared in the print edition on December 1, 2019 under the title 'My gender is my right'. Revathi is a transgender activist, writer and actor. Her autobiography, Vellai Mozhi, is out in English as The Truth About Me: A Hijra Life Story. She also does solo performances based on it. Translated from Tamil by Kavitha Muralidharan*

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