

## **LGBTQI community have problems with the bill**

### **Why in News?**

The Transgender Persons (Protection of Rights) Bill, 2019 was passed in the Rajya Sabha recently. To know the provisions of the bill, [click here](#).

### **What is the story behind?**

- The Act's long history traces back to the judgment in National Legal Services Authority (NALSA) vs. Union of India 2014.
- This judgment directed the Centre and State to grant legal recognition for the third gender.
- It also asked them to ensure that there is no discrimination against them and construct specific social welfare programmes.
- The Act arose out of a Bill that was passed in the Lok Sabha in August 2019.
- This bill seeks to ensure the fundamental rights of those who do not conform to the binary notions of gender identity.
- But it has disappointed the community.

### **How is the Act progressive and regressive at the same time?**

- The Act is progressive in that it allows self perception of gender identity.
- But it regresses by mandating that each person would have to be recognised as 'transgender' on the basis of a certificate of identity issued by a district magistrate.
- With this move, it rejected the recommendation from the 2016 Standing Committee to have a screening committee.
- There are no avenues open either for appeal in the event a magistrate refuses to hand out such a certificate.

### **What are the problems with the bill?**

- **India's LGBTQI community** - They had problems with the Bill's basics - right from the nomenclature.
- It argued that calling it a 'Transgender Persons' Bill wouldn't give adequate play to the diversity the non-binaries included.
- Instead, it calls for a more broad-based definition.
- **Activists** - Criticized the bill for its narrow understanding of gender identities and for offering inadequate mainstreaming opportunities.

- They are unhappy with the silence on unnecessary and non-consensual sex selective or reassignment surgeries.
- They had a plea that these surgeries be made an offence.
- Elaborate detailing of the anti-discriminatory clause in the Bill might have gone a long way in ensuring implementation and legal recourse.
- With the Bill becoming law, unaltered in any significant form, in the face of such strident opposition, the community is seething at being ignored.

### **What is a positive thing in this bill?**

- The community's only hope is the National Council for Transgender Persons.
- The Council is supposed to provide the institutional framework for implementing the Act.
- It might allow more latitude for incorporating genuine demands.

**Source: The Hindu**

