

-SSS/NBR-ASC/2B/2.30.

The House re-assembled after lunch at thirty minutes past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

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MR. DEPUTY CHAIRMAN: Now, let us take up the Private Members' Legislative Business. Bills for introduction. The first one is the Cow and Other Milch Animals (Prohibition of Slaughter, Cruelty and Other Provisions) Bill, 2015. Shri Rajkumar Dhoot.

PRIVATE MEMBERS' LEGISLATIVE BUSINESS

BILLS INTRODUCED

THE COW AND OTHER MILCH ANIMALS (PROHIBITION OF SLAUGHTER, CRUELTY AND OTHER PROVISIONS) BILL, 2015

SHRI RAJKUMAR DHOOT (MAHARASHTRA): Sir, I beg to move for leave to introduce a Bill to provide for the prohibition of slaughter of cow and its progeny and other milch animals for consumption of meat or its export or for any other purpose and prevent cruelty and infliction of trauma, pain or suffering on animals and for humane approach towards them through welfare measures and the well being of animals and for matters connected therewith and incidental thereto.

The question was put and the motion was adopted.

SHRI RAJKUMAR DHOOT: Sir, I introduce the Bill.

(Ends)

MR. DEPUTY CHAIRMAN: The Underprivileged Orphan, Vagabond and Other Street Children (Prevention of Abuse, Rehabilitation and Welfare) Bill, 2015. Shri Rajkumar Dhoot.

**THE UNDERPRIVILEGED ORPHAN, VAGABOND AND OTHER
STREET CHILDREN (PREVENTION OF ABUSE,
REHABILITATION AND WELFARE) BILL, 2015**

SHRI RAJKUMAR DHOOT (MAHARASHTRA): Sir, I beg to move for leave to introduce a Bill to provide for the prevention of abuse and exploitation of orphan, vagabond, runaway and other street children by anyone by providing deterrent punishment of the violators and for rehabilitation and other welfare measures to be undertaken by the State of such children who usually subsist on rag picking, begging, shoe polishing, working as potters, performing acrobatics or who are forced to indulge in crimes like stealing, pick-pocketing, snatching, smuggling, prostitution and unnatural acts by taking their custody and providing them with shelter, care, protection, education, medical care, vocational training etc., and for matters connected therewith and incidental thereto.

The question was put and the motion was adopted.

SHRI RAJKUMAR DHOOT: Sir, I introduce the Bill.

(Ends)

MR. DEPUTY CHAIRMAN: The Drought Affected and Drought Prone Areas (Special Provisions) Bill, 2015. Shri Rajkumar Dhoot.

**THE DROUGHT AFFECTED AND DROUGHT PRONE AREAS
(SPECIAL PROVISIONS) BILL, 2015**

SHRI RAJKUMAR DHOOT (MAHARASHTRA): Sir, I beg to move for leave to introduce a Bill to provide for the special provisions such as compulsory maintenance of food and potable water supplies for human consumption and fodder for livestock of the farmers, financial assistance for lost crops to farmers in drought affected areas of the country by the Union Government and for creation of water bodies like lakes, ponds, wells, rainwater harvesting, diversification of water intensive crops to low water requirement crops, community afforestation programmes, etc. as long term action plan for the drought prone areas of the country by the Union Government and for matters connected therewith and incidental thereto.

The question was put and the motion was adopted.

SHRI RAJKUMAR DHOOT: Sir, I introduce the Bill.

(Ends)

MR. DEPUTY CHAIRMAN: The Constitution (Amendment) Bill, 2015 (Amendment of Article 58). Shri Mansukh L. Mandaviya.

**THE CONSTITUTION (AMENDMENT) BILL, 2015
(AMENDMENT OF ARTICLE 58)**

श्री मनसुख एल. मांडविया (गुजरात) : महोदय, मैं प्रस्ताव करता हूँ कि भारत के संविधान का और संशोधन करने के लिए एक विधेयक को पुरःस्थापित करने की अनुमति दी जाए।

The question was put and the motion was adopted

श्री मनसुख एल. मांडविया : महोदय, मैं विधेयक को पुरःस्थापित करता हूँ।
(समाप्त)

MR. DEPUTY CHAIRMAN: The Compulsory Registration of Callers Using Public Telephone Bill, 2015. Shri Mansukh L. Mandaviya.

**THE COMPULSORY REGISTRATION OF CALLERS
USING PUBLIC TELEPHONE BILL, 2015**

श्री मनसुख एल. मांडविया (गुजरात) : महोदय, मैं प्रस्ताव करता हूँ कि कॉल करने के लिए पब्लिक टेलिफोन का उपयोग करने वाले व्यक्तियों का राष्ट्रीय सुरक्षा के हित में अनिवार्य पंजीकरण करने एवं तत्संसक्त अथवा उसके आनुषंगिक विषयों का उपबंध करने के लिए एक विधेयक को पुरःस्थापित करने की अनुमति दी जाए।

The question was put and the motion was adopted

श्री मनसुख एल. मांडविया : महोदय, मैं विधेयक को पुरःस्थापित करता हूँ।

(समाप्त)

MR. DEPUTY CHAIRMAN: Now, the Child Development Programme Coordination Agency Bill, 2015, by Shri Prabhat Jha.

Not present.

The Prohibition of Publication and Dissemination of Objectionable Material on Religion Bill, 2015, by Shri Prabhat Jha.

Not present.

Now, the Constitution (Scheduled Castes) Order (Amendment) Bill, 2015, by Shri Husain Dalwai. Not present.

The Supreme Court (Establishment of a Permanent Bench at Kolkata) Bill, 2015, by Shri Vivek Gupta.

THE SUPREME COURT (ESTABLISHMENT OF A PERMANENT BENCH AT KOLKATA) BILL, 2015

SHRI VIVEK GUPTA (WEST BENGAL): Sir, I move for leave to introduce a Bill to provide for the establishment of a permanent bench of the Supreme Court at Kolkata.

The question was put and the motion was adopted.

SHRI VIVEK GUPTA: Sir, I introduce the Bill.

(Ends)

MR. DEPUTY CHAIRMAN: Now, we will take up Bills for consideration and passing. The Rights of Transgender Persons Bill, 2014. Further consideration of the motion moved by Shri Tiruchi Siva on 27th February, 2015. Shri Harivansh was speaking. Now, he can continue. Shri Harivansh. He is absent. The next speaker is Shri Vivek Gupta.

(FOLLOWED BY KGG/2C)

-NBR-KGG/2C/2.35

**THE RIGHTS OF TRANSGENDER PERSONS BILL, 2014 —
CONTD.**

SHRI VIVEK GUPTA (WEST BENGAL): Mr. Deputy Chairman, Sir, Mahatma Gandhi had said, “Our struggle does not end so long as there is a single human being considered untouchable on account of his birth.” We have today, over two million transgender people who are discriminated on their biological identity everywhere from education to healthcare to insurance to job opportunities. Moreover, they are shunned as a disgrace. At traffic signals, these people walk up and try, and make a livelihood. My first suggestion to the Government, through you, would be that in all application forms, instead of the word ‘sex’, the word ‘gender’ should be used and instead of male and female only, the third gender should also

be indicated so that these people also get an identity and be counted.

Sir, we have their presence but the present society shuns them. But Arjun spent the last year of the Ajnaata-Vaasa in Mahabharat as a transgender. So, we know that they were not shunned by our forefathers. Why do we shun them now? I fail to understand. The apathy of the Government towards their rights, towards their feelings is also complete. I don't know whether the word 'Hizda' is Parliamentary or unparliamentary. I will take it back if it is unparliamentary. But this is how we address them these days. Something should be done like our Father of the Nation, Mahatma Gandhi did when he gave the name of 'Dalit' to a section of our people. Something like this should be given to the transgender; we should not call them with such names. Maybe, we can give them a good name of better life.

Sir, there are a few things which I would like to quickly mention without taking much time of the House. These people are still suffering from a 153 year-old colonial law, Section 377 of IPC. Any sex they have among themselves is accounted as an unnatural offence and punishable by a ten year jail. They have been denied the basic liberties to exist. There is no national guidance on

providing sensitive and competent services to these people. There is a lack of any research data as in any application form they are not counted and they are singled out.

Sir, the Supreme Court in a landmark ruling has recognized them in 2014. However, the Government continues to ignore them. The spirit of the Constitution is to provide equal opportunities to every citizen. However, these people have got no quotas in jobs, no education opportunities.

Sir, in 2009, the Indian Election Commission took the first step by allowing them to choose their gender as 'other' on the ballot form. But it was only recently that the Election Commission allowed them to cast their voting for the first time. Sir, this is a welcome step. But more such steps are needed from the Government.

Sir, this year, the first transgender was issued a passport. In a country with 20 lakh transgenders, it is surprising to note that no passports were issued to them till date in the name of 'procedural matters'.

Sir, I will end with a few facts. West Bengal is one of the first States to decide to set up a Welfare Board for them. The population of transgenders in West Bengal is 6 lakh people. I will conclude by asking the Government that a path-breaking intervention is required

for training, skill development and rehabilitation of these people across the country. Also, I will repeat myself, the third option in gender forms must be introduced in all application forms across the Government very soon. Thank you.

MR. DEPUTY CHAIRMAN: You said that no passport is given to the transgender!

SHRI VIVEK GUPTA: Sir, the first passport was issued in February. That is it.

MR. DEPUTY CHAIRMAN: Is that all? What is the reason?

SHRI VIVEK GUPTA: Only the Government can answer that.

(Ends)

MR. DEPUTY CHAIRMAN: Okay, now Shri Navaneethakrishnan.

SHRI A. NAVANEETHAKRISHNAN (TAMIL NADU): Sir, thank you. The issue is very, very important. Our hon. Supreme Court, in the case of National Legal Services Authority versus the Union of India and others has given a clear-cut verdict recognizing *hijras*, eunuchs, apart from binary gender be treated as 'third gender' for the purpose of safeguarding their rights under Part-III of our Constitution and the laws made by the Parliament and the State Legislatures.

(Contd. By 2D)

SHRI A. NAVANEETHAKRISHNAN (CONTD.): Transgender persons' right to decide their self-identified gender is also upheld and the Centre and the State Governments are directed to grant legal recognition of their gender identity such as male, female or as third gender. Further the Supreme Court has given the direction which says, "We direct the Centre and the State Governments to take steps to treat them as socially and educationally backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments." It further says, "Centre and State Governments are directed to operate separate HIV Sero-surveillance Centres since Hijras/Transgenders face several sexual health issues. Centre and State Governments should seriously address the problems being faced by Hijras/Transgenders such as fear, shame, gender dysphoria, social pressure, depression, suicidal tendencies, social stigma, etc., and any insistence on SRS for declaring one's gender is immoral and illegal. Centre and State Governments should take proper measures to provide medical care to Transgenders (TGs) in the hospitals and also provide them separate public toilets and other facilities. Centre and State Governments should also take

steps for framing various social welfare schemes for their betterment. Centre and State Governments should take steps to create public awareness so that TGs will feel that they are also part and parcel of the social life and be not treated as untouchables. Centre and the State Governments should also take measures to regain their respect and place in the society which once they enjoyed in our cultural and social life.”

Further we are informed that an Expert Committee has already been constituted to make an in-depth study of the problems faced by the transgender community and suggest measures that can be taken by the Government to ameliorate their problems and to submit its report, with recommendations within three months of its constitution. Let the recommendations be examined and based on legal declaration made in this judgement and implemented within six months. This is the judgement dated 15th April, 2014. The Ministry of Social Justice has informed through Additional Solicitor-General that the Government is looking into this issue. Even prior to the direction given by the hon. Supreme Court, our hon. Amma has rendered help, as far as possible, to the transgenders. I may be permitted to place the data because it is vital. In order to enlist the transgenders as members of the

Transgender Welfare Board and provide them welfare measures, the Government has constituted District-level Screening Committees. After certification by the District-level Screening Committees, they are registered with the Transgender Welfare Board and given an identity card. Four thousand six hundred seventy seven transgenders were enumerated as per the Census. Four thousand one hundred fifty eight were identified as transgenders out of which ID cards are issued to 3,981. By recognising them as transgenders, they are also provided with Ration Cards, Health Insurance Cards, House site pattas, Voter IDs and housing. In order to empower them economically, loan up to Rs.15 lakhs for Transgenders Self Help Groups with 25 per cent subsidy and 75 per cent as bank loan is provided for self-employment activities by the Government of Tamil Nadu. That is as per the guidance given by the hon. Amma. At present 51 Transgender Self Help Groups have been sanctioned with 25 per cent of subsidy to the tune of Rs. 55 lakhs and Rs. 1.5 crore as bank loan being distributed for starting various economic activities like provision stores, rearing of milch animals, canteens, production units like soaps, napkin, milk products, plying passenger Autos, load Autos, business activities related to cloth, coir, rice, etc. A

sum of Rs. 100 lakhs has been provided in the revised Budget Estimate for 2011-12 for the welfare of the transgenders.

In order to provide financial assistance for the aged transgenders, who have nobody or means to take care of, the Government has introduced the Monthly Pension Scheme for destitute transgenders. For the year 2012-13, Government has allotted Rs. 1,17,59,000/- for the old age pension for destitute transgenders, who are in the age group of 40 years and above.

(Continued by TDB-2E)

TDB-PSV/2E/2.45

SHRI A. NAVANEETHAKRISHNAN (CONTD.): Also, they are now getting a monthly pension at the rate of Rs.1,000 per month. These are all unique schemes implemented by hon. Amma in Tamil Nadu. So, these very good schemes are now in place in Tamil Nadu.

MR. DEPUTY CHAIRMAN: That is okay.

SHRI A. NAVANEETHAKRISHNAN: Sir, I have enumerated 4,677...

MR. DEPUTY CHAIRMAN: You have already said that.

SHRI A. NAVANEETHAKRISHNAN: Sir, 4,150 were identified as Transgenders. The pattas are granted to them; and ration cards are

also given to them. The Government has provided everything to them. We are providing all the Transgenders Rs.1,000 per month as pension. So, these are all innovative schemes implemented by hon. Amma. Thank you, Sir.

(Ends)

MR. DEPUTY CHAIRMAN: Very good. Now, Shri Baishnab Parida.

SHRI A. NAVANEETHAKRISHNAN: It should be implemented in other States also.

SHRIMATI SASIKALA PUSHPA: Kalaingar will initiate and Amma will implement it.

SHRI P. RAJEEVE: Sir, at least, in this case, DMK and AIADMK are together. For the first time, the AIADMK supported the Bill moved by DMK. ...(Interruptions)...

SHRI BAISHNAB PARIDA (ODISHA): Sir, I express my thanks to you for allowing the House to discuss this issue which is a national issue concerned with the lives of lakhs of people of the Indian society. These people are deprived of the right to live with dignity; they are deprived of the right to be employed; they are deprived of the right to get education properly, and to enjoy the political, social and economic rights, i.e., social justice. I think there are more than five lakh Transgenders in our country. When we talk of religion, we

mention names of religions, namely, Hindus, Christians, Buddhists, Muslims, etc. But we never mention the atheists, who are living in the country. When the American President addresses the nation, he addresses the Christians, Muslims and other religious people along with the atheists of America. But in Indian society, till now, we do not address a large section of people which constitutes Transgender. These people constitute a large number in our society since the days of Charvaka.

Sir, even after 68 years of independence, these sections of people, the Kinnars or Hijras, as we call it, are not living a life of dignity. Since ancient days, they are recognised by our Puranas. Even in Mahabharata, when the Pandavas were in vanvas, Arjuna went to the court of King Virat in Nepal as a Kinnar, in a disguised manner. Even at that time, the Kinnars were having some social recognition and prestige in the society. But after the Britishers came, in 1871, they passed the Criminal Tribes Act, wherein they categorized the Kinnars, the Hijras as persons innately criminals addicted to the systematic commission of non-bailable offences. The Britishers made them a criminal tribe. They never gave them any right and recognition. But, after independence, we have

forgotten them. Now, what has happened? We come across these people in every State, in buses, trains and everywhere.

(Contd. by 2F-KLS)

KLS/2F-2.50

SHRI BAISHNAB PARIDA (CONTD): But the Indian society treats them as if they don't belong to our society. They are non-entities. They are some kind of stigmas. They suffer from the society like the untouchables. They are treated like that. Untouchability is still prevalent in India. We are talking of Gandhiji. Nobody mentions it. The Hindu organisations want to revive the Hindu traditions. ...(Interruptions)... Nobody talks about abolishing untouchability because as political parties we think that if we talk of abolition of untouchability, the caste Hindus will not give vote. That is the vote politics. It is a great obstacle in abolishing untouchability from Indian soil. My friend, Tarun Vijay, some time back glorified the traditions of Hinduism. Yes, I agree on many issues. But you do not say that. The same British crime we are committing every day in Hinduism. Due to this caste politics, we are discriminating against them. When you are talking of ...(Interruptions)... I like you very

much. ...(Interruptions)... We want to bring them back to Hinduism. ...(Interruptions)... When you try to bring back Muslims or Christians, your Hinduism is a ladder. So many steps are there, the *shudras*, the untouchables are at the lowest levels. When you bring them back, where do you place them? Will you place them as Scheduled Castes or dalits or as *shudras*? This is the question we have to think about. While speaking for the transgender people, they are a deprived section of our Indian society. We have not given them education. They are also part of our human resources. If you give them education, training and provide them proper employment, they will be a great source or help to our Indian society. They will also live with dignity. I express my thanks to Mr. Siva. He is my friend. They have said that they have done many things for them in Tamil Nadu. Mr. Siva belongs to Tamil Nadu. I thank him for bringing this Bill. The Central Government should also do something in this regard. Like the Women Commission, there should be some Commission for them also. ...(Interruptions)...

SHRI TIRUCHI SIVA: Allow him some more time. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Instead of three minutes, you have taken six minutes. ...(Interruptions)... You have only two hours, Mr. Siva.

...(Interruptions)... It will be over. ...(Interruptions)... You will be in trouble. ...(Interruptions)...

SHRI BAISHNAB PARIDA: They are deprived sections of our society. I think the State Governments should also take appropriate steps for them. Thank you.

(Ends)

SHRI P. RAJEEVE (KERALA): Thank you, Mr. Deputy Chairman. I would like to congratulate my friend and colleague, Tiruchi Siva, for moving his historical Bill. As I already mentioned, AIADMK and DMK have joined hands on this issue of transgender community. It is true that Tamil Nadu Government, as pioneer of the protection of transgender community, in 2008 constituted a Transgender Welfare Board. Thereafter, both Governments have taken very good decisions and initiatives to protect the rights of the TG community. Sir, some of the colleagues have already mentioned this historical judgement of January 27, 2014 written by a Malayali Supreme Court Judge, K.S. Radhrishnan, which recognises transgender as the 'third' gender and appealed to the Central and State Governments that they should be considered as socially and economically backward classes. Now, Sir, nearly one year is over. The earlier Government had constituted an Expert Committee to examine the

suggestions and table them after examining the Supreme Court judgement. That suggestion is already submitted to the Government.

(Contd by 2G/USY)

USY-DS/2G/2.55

SHRI P. RAJEEVE (CONTD.): But, I think, nothing has happened. This is the duty of the Government to come forward with a Bill to protect the welfare of the transgender community. The Government is not ready to do that and that is why hon. Member, Mr. Tiruchi Siva, has brought this Private Member Resolution. Normally, the fate of a Private Member's Bill is that after the discussion, the mover withdraws that. But, there have been several incidents when several Private Member Bills have been passed by this House and those Bills have become law. But, after that, it has become just an academic exercise. But, I would like to inform the Government that this is a very important matter. If you go through any application form, you will find that those application forms contain only two columns: 'Male' and 'Female'. You will not find any column for 'transgender'. The judgement of the Supreme Court correctly states to recognize the 'transgenders'. I went through the application form of the Union Public Service Commission. That

too had only two columns: 'Male' and 'Female'. There is no column for 'Transgender'. But in the application form of the University of Delhi, there is a column for 'transgenders'. Similarly, in the application form of the Bangalore University also there is a column for the 'transgenders'. Some universities of Tamil Nadu too have this column for 'transgenders'. But in the application form of most of the colleges and universities, there is no specific column for the transgender community. Then, they are compelled to fill either 'male' or 'female'. But they do not belong to that group. It is not their fault that they were born as transgender. It happens because of some hormonal problem or some other problem. But there are many laws which are against their interests. Even in the passport application form also there was no such column. My friend, Mr. Vivek, just told here that first such passport was recently issued by the passport officer. In all application forms, whether for admission to any educational institution or for employment in any organization, there should be a column for the transgender community.

Most of them are denied education. First, they are isolated in their own family. Their families try to hide their identity. They are isolated in their own families. Initially, if they are admitted in a school, they are isolated by their fellow students. Gradually, they

are forced to stop their studies at a very early stage. Thereafter, they are compelled to leave their families. Then, they are compelled to do some sexual activities. This is a very serious issue. The Constitution of India guarantees Fundamental Rights to everyone. The Right to Equality is applicable to the transgender community too. The Right to Equality says that there shall be no discrimination on the ground of sex, caste, creed or religion. That is their fundamental right. Nobody can deny them this right. Here, in their case, there is a serious discrimination on the grounds of sex. We are the custodian of the Constitution. The Parliament should make an effective law to ensure equal rights to the transgender community.

In hospitals also, there are only two wards: the Male Ward and the Female Ward. There is no Transgender Ward. The doctors in the hospital are not ready to treat them in the Female Ward. They are not ready to admit them in the Male Ward either. *De facto*, the hospital administration denies the treatment to the transgender community. This is not only a violation of Fundamental Rights, but a very serious violation of human rights too. Then, there should be a specific mechanism, like, the special provisions for the physically handicapped people. There should be some special

provision in our rules for the transgender community. At least, in the hospitals, there should be a special ward for them.

(Contd. by 2h -- KLS)