

PK-MCM/3.00/2H

SHRI P. RAJEEVE (CONTD.): Some of them are having HIV because of their lifestyle, the lifestyle, not chosen by them; but, they are forced to choose that type of lifestyle. Then, there should be some mechanism to treat them in at least in medical colleges. (Time-bell) I am concluding, Sir. Sex education should be there. Counselling, not only for these students but for all students, on how to treat them, should be there in schools. There should be a Special Cell for transgenders, and civil rights also be taken into consideration. There are two draconian rules, that is, 377 IPC and the Immoral Traffic Prevention Act of 1956. These two Acts are the instruments of harassment and exploitation of the transgender community. It should be taken care of. The Government should give some subsidy for the sex reassignment surgery. The Government should give some subsidy to the transgender community if anybody wants to go for sex reassignment surgery. Sir, some States like Tamil Nadu have taken a very good initiative; I have already mentioned that. In Maharashtra, there are some incidents. ...(Interruptions).. Actually, in 2008 Kalaingar started it and you are also continuing. ..(Interruptions).. Then, Sir, my request is that the Central Government should come out with a

proper legislation to prospect the fundamental rights of the transgender community, to ensure social welfare for this community. Thank you.

(Ends)

MR. DEPUTY CHAIRMAN: Shrimati Gundu Sudharani; not here.

Shri D.P. Tripathi.

SHRI D.P. TRIPATHI (MAHARASHTRA): Sir, I thank you for giving me the permission to speak on this Bill, moved by hon. Member Shri Tiruchi Siva. I am promising you that I will not repeat the arguments made by all hon. Members, but a few points are very important in this connection. What is the problem, on the ground, of the transgender community? If you go by the last Census, the population is 4.9 lakh, less than half a million. Only the last Census mentions that the children in the age group of 0 - 6 years are 55,000. If you go at the literacy problem, the literacy rate among the transgender community is 46 per cent; whereas in the general category it is 74 per cent. The gainful employment ratio is 38 per cent. About 66 per cent of the transgender community lives in the rural areas. This is important. All those discriminations against them have been detailed out by hon. Member Comrade P. Rajeeve, and while moving the Bill, hon. Tiruchi Siva has also

mentioned that. So, I am not repeating those discriminations. It is not merely discrimination; the other problem is that there is a kind of social stigma and hatred against them, especially, in the rural areas. Now, of course, because of birth registration, many parents are coming out and the children are not being tortured in the sense as it used to happen earlier. The laws are also being enforced in certain areas. But, by and large, the atmosphere of oppression against this community continues. The hon. Member, Shri Baishnab Parida, just mentioned about *Puranas*. Of course, it is Mahabharata, which mentions about *Shikhandi*, then, Arjuna becoming Brihannala in the Court of Virat. If you look at the entire corpus of Hindu scriptures, Srimad Bhagvat mentions it in Chapter IV in four *slokas* and they talk, specifically, about this community. Garuda Purana mentions it once but in detail the problems of this community, how the nature is different. Of course, I am not going into Kamsutra of Vatsayayana, which mentions it in a different context. But the problem is that now the kind of discrimination which is done against them in society is something which is really despicable, to use the word. There are two communities in India, which face maximum discrimination and atmosphere of hatred and oppression.

(Contd. by PB/2J)

PB/2J/3.05

SHRI D.P. TRIPATHI (CONTD.): One is the community of differently-abled persons and the other community, of course, is the transgender and other community. What are the problems? The Census says, the transgenders are 4.9 lakhs which means half a million — less than half a million. But if you look at the Election Commission voters' registration, in the last election, the transgender voters are only 28,341 -- so, from 4.9 lakhs to 28,341. This is the situation in terms of voting in elections. So, this oppression must end, and I congratulate Tamil Nadu Government, and, of course, West Bengal is also taking some initiatives in this direction. The Ministry of Social Justice and Empowerment had appointed an Expert Committee which has given its report. I don't want to repeat all those arguments which are given. But we need to work out a national policy. One of the journalists belonging to a very respected national newspaper, Ruma Nagarajan, has done a serious work on problems of the transgender community. Sir, through you, I want to share with the Government a very startling piece of information. This is a very startling information. She says that the number of transgenders in India is actually seven or eight

times more than the figures given by the Census. Now this is a very, very important study which had to be looked into by any Expert Committee or anyone formulating a national policy in this direction or for this subject.

Therefore, finally, while concluding my brief intervention on this subject, I would say, the litmus test of any democracy is the treatment given to its minorities -- and they are a very microscopic oppressed discriminated minority of our system. Therefore, the system has to be both sensitive and sensible towards their problems and the issues. Thank you very much.

(Ends)

MR. DEPUTY CHAIRMAN: Now, Mr. Husain Dalwai could not be present when I called him to introduce the Bill. He says, he wants to go early. Does the House agree if I allow him to just introduce the Bill?

SOME HON. MEMBERS: Yes, Sir.

MR. DEPUTY CHAIRMAN: Okay. Yes, Mr. Dalwai.

BILLS INTRODUCED — CONTD.

THE CONSTITUTION (SCHEDULED CASTES) ORDER (AMENDMENT) BILL, 2015

SHRI HUSAIN DALWAI (MAHARASHTRA): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

The question was put and the motion was adopted.

SHRI HUSIAN DALWAI: Sir, I introduce the Bill.

(Ends)

MR. DEPUTY CHAIRMAN: But this should not be taken as a precedent. Shri K.T.S. Tulsi, not present; Shri Biswajit Daimary, not present, Dr. M.S. Gill.

THE RIGHTS OF TRANSGENDER PERSONS BILL, 2014 —

CONTD.

DR. M.S. GILL (PUNJAB): Thank you, Sir. In my thinking, this is one of the most important Bills which has come up on a Friday in the last many, many years. ...(Interruptions)... It doesn't matter. I am speaking now. Please. ...(Interruptions)... Just give me a few minutes.

Sir, I think it is one of the most important Bills that has come up on a Friday in this House for many, many years. I want to compliment Mr. Siva for bringing it forward. I have read it twice and it is very comprehensive in the detailing of what they have put in. In order to get the attention of the two Parties, DMK and AIADMK, I

will also compliment the Tamil Nadu Government and both Amma and Mr. Karunanidhi. I hope my friend is also listening to me.
...(Interruptions)...

(Contd. by 2k/SKC)

SKC-RPM/2K/3.10

DR. M. S. GILL (contd.): Sir, this is a grave problem and a sad comment on India's civilized behaviour. Many Members have already put down what it relates to, how many people are affected, how many in the rural areas and how many in the urban areas. I tend to agree that actually, the number is much greater than what is put out in the census. I see that there was a book that was quoted. Therefore, it is something, which we, as a civilized country, must address, and address without delay.

Sir, the Bill has laid out everything -- I have read it -- the need for a National Commission, the need for State Commissions, courts with adequate authority, directions to Magistrates, and so on. When we meet these people, children, adults, men and women, at the railway traffic lights, we look the other way. If I can say so, sadly, almost like in the case of Leprosy, we push away from these people. कोई भी हिज़ड़ा यदि नज़दीक जाए, तो हम उसे दूर करते हैं। This is the truth in India. They have the same rights as you and me. The Constitution has the same duty to protect them as much as you and me. But this is not happening. I compliment the Tamil Nadu Government -- both Parties, don't worry about that -- both *Amma* and Mr. Karunanidhi...(Interruptions)... I really mean it,

because Tamil Nadu does many progressive things; forget about the politics. And, it seems to me that this is a legislation which Tamil Nadu has done seven-eight years ago; no other State in India has done it. Tell me if any other State has done it.

SHRI HUSAIN DALWAI: Sir, Maharashtra.

DR. M. S. GILL: Okay. We compliment you too, if you have done it. ...(Interruptions)...

Therefore, the States need to pass such legislation. The Centre, Sir, must own this Bill. Normally, very few bills are accepted by the Government. They say, Mr. Nehru some times accepted them; maybe some other person had done it some time in the last many decades. This is a Bill that the Government must own and thank Mr. Siva for. They must pass a sensible legislation quickly. It will do credit to the new Government of India and their social concerns; it will do credit to them. We need, urgently, to put this together. The Bill itself has laid out all the details of what needs to be done, how it is to be done, their legal rights, financial help and their protection. They all need protection. People very easily, as a mob, misbehave with individuals in India on many occasions, and certainly जो बेचारे हिज़ड़े हैं, उनका तो करते हैं या करेंगे। गांव में ज्यादा करेंगे या शहर में करेंगे। Somebody has to look after them; somebody

has to protect them. And that is the duty of the Government. It is the duty of the Constitution. We are a House of Elders. We should be recommending unanimously to the Government to own this Bill and immediately take it up for passage in the next Session. That is what it should be doing. They would get unanimous support in both the Houses. This is one Bill that nobody will quarrel over. I think, that is important.

That is all the request that I want to make, Sir. Thank you.

(Ends)

श्री मनसुख एल. मांडविया (गुजरात): माननीय उपसभापति महोदय, श्री तिरुची शिवा जी ट्रांसजेंडर के लिए जो बिल लेकर आए हैं, मैं उसका इसलिए अनुमोदन करना चाहूंगा कि हिन्दुस्तान में सभी जीवों, चाहे फिर वे पक्षी हों या प्राणी, सभी के प्रति सौहार्द भाव रखना हमारी संस्कृति है। भारतवर्ष में सभी जीव-जन्तु एवं प्राणियों के साथ 125 करोड़ की आबादी रहती है और उसमें यदि किसी के प्रति अन्याय होता है या किसी को कोई छोटा सा घाव भी लगता है, तो हमारे देश के लोग उसे अपना समझ कर सभी के दुख को अपना दुख समझते हैं।

(उपसभाध्यक्ष (डॉ. सत्यनारायण जटिया) पीठासीन हुए)

माननीय उपसभाध्यक्ष महोदय, समाज के उस वर्ग के साथ अभी तक जो व्यवहार हुआ और उनके संदर्भ में जो यहां दिखाया गया, उसके संबंध में तमिलनाडु गवर्नमेंट और अन्य सरकारों ने जो एक्शन लिया और

इनीशिएटिव लिया, उसकी मैं सराहना करता हूं और उनके लिए ऐसा होना चाहिए। इसमें जो ट्रांसजेंडर लोग हैं, उनकी तो कोई गलती नहीं है। उन्हें तो ईश्वर ने ऐसा बनाया है। कुदरत ने उनके साथ अन्याय किया है।

(2के एल/एम.पी. पर जारी)

MP-HK/2L/3.15

श्री मनसुख एल मांडविया (क्रमागत) : कुदरत ने जो अन्याय किया है, क्या हम उसे दूर नहीं कर सकते हैं? अगर कोई विकलांग है, उसके साथ कुदरत ने अन्याय किया है, तो उनके लिए हमने कानून बनाया है। कानून के तहत उनको हमने कुछ सुरक्षा दी है। वैसे ही समाज का एक वर्ग यह भी है, जिसको राष्ट्रीय स्तर पर हम कैसे न्याय दिला सकते हैं - राष्ट्रीय स्तर पर ये लोग समाज के दूसरे लोगों की तरह जी सकें, सारा समाज उनके साथ अपनेपन का व्यवहार करे, कानून की दृष्टि से उनको सभी के बराबर मान्यता मिले। अगर हम उन्हें विशेष मान्यता दिलाएंगे, तो आज तक सोसायटी में उनके साथ जो व्यवहार हुआ है, जो अन्याय हुआ है, उस अन्याय को दूर करने की आवश्यकता है, उसके लिए हमारी जिम्मेदारी है। वे कितने समय तक इसे सहन करेंगे? ट्रांसजेंडर लोग रेलवे स्टेशन में जाते हैं या बस स्टेशन पर जाते हैं, कोई सामाजिक कार्यक्रम हो, कोई लग्न या त्यौहार हो, वे टोली के रूप में आते हैं, तो लोग उनको कहते हैं कि चले जाओ। वे बाहर खड़े रहते हैं और लोग उनको आने के लिए मना करते हैं, ऐसा व्यवहार उनके साथ क्यों होता है? ऐसा इसलिए होता है कि उनको हम अछूत समझते हैं।

उनको अछूत समझने की वजह से सोसायटी में सभी के बराबर उनको सम्मान नहीं मिल रहा है, इसलिए उनकी ऐसी स्थिति है। मुझे लगता है कि अब समय आ गया है कि अभी तक उनके साथ जो हुआ, सो हुआ, लेकिन क्या नई सुबह नहीं हो सकती? क्या हम नई स्थिति पैदा नहीं कर सकते? क्या हम उनको ऐसे अवसर प्रदान नहीं कर सकते, जिससे कि अभी तक उनके साथ जो व्यवहार किया गया है, उसको सकारात्मक दृष्टि से बदला जा सके? मुझे लगता है कि हमें उनके लिए... मेरी तो सरकार से विनती है कि क्यों नहीं सरकार ही उनके लिए कानून लेकर आए, जिससे कि इस वर्ग के साथ, ट्रांसजेंडर लोगों के साथ अच्छी तरह से न्याय हो सके। सुप्रीम कोर्ट ने तो कह दिया है कि उनके लिए कानून बनाओ, उनके साथ समाज में बराबरी का व्यवहार हो, ऐसा कानून बनाकर उनको न्याय दिलाओ और मुझे लगता है कि जिन्होंने यह किया है, जिस स्टेट ने ऐसा किया है, बहुत अच्छा किया है। यहां तमिलनाडु के हमारे सहयोगी साथी एम.पी. बोल रहे थे, तमिलनाडु में उनके लिए जो व्यवस्था हुई है - उनके लिए पेंशन की योजना हुई है, हेल्थ इंश्योरेंस हुआ है, उनके self help groups बनाए गए हैं, यह बहुत अच्छी बात है। क्या सारे देश के लोग ऐसा नहीं कर सकते, जिससे कि उनकी आमदनी हो, उनकी लाइफ सिक्क्योर हो जाए? गवर्नमेंट की सुरक्षा की दृष्टि से वे स्वमान में जी सकें, उनकी स्वमान की राय हो सके? जब उनकी स्वमान की राय हो सकेगी तो उनको किसी के आगे हाथ नहीं फैलाना पड़ेगा। उन्हें किसी रेलवे स्टेशन पर, किसी बस स्टेशन पर, किसी लग्न प्रसंग में या किसी और प्रसंग में कभी भी किसी के सामने अपना पेट भरने के लिए हाथ

नहीं फैलाना पड़ेगा। इसलिए मेरी आपसे अपेक्षा है कि इस समुदाय को सोशल सिक्योरिटी देने के लिए कानून में ऐसा प्रावधान किया जाए जिससे कि वे self sufficient हो जाएं, उन्हें अपने रोजगार के अवसर मिल सकें और उनको किसी के आगे हाथ न फैलाना पड़े, तभी वे सम्मानपूर्ण जीवन जी सकते हैं। यह हमारी जिम्मेदारी है और सारे भारतवर्ष की जिम्मेदारी है कि समाज में वे उन्नत मस्तक से जी सकें, समाज में उनके साथ समान व्यवहार हो, समाज उनकी जाति और उनके पिछड़ेपन को न देखे। ऐसा कानून बनाकर हम उनको प्रोटेक्ट करें। माननीय उपसभाध्यक्ष जी के माध्यम से मेरी सरकार से यह विनती है कि सरकार ऐसा बिल लाए जिससे कि उन्हें सामाजिक सिक्योरिटी मिल सके, धन्यवाद।

(समाप्त)

(2M/SC-KSK पर आगे)

sc-ksk/3.20/2m

चौधरी मुनव्वर सलीम (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, सबसे पहले मैं भाई तिरुची शिवा जी को मुबारकबाद देता हूँ कि उन्होंने समाज के एक ऐसे तबके के दर्द का एहसास किया, जो दूसरों की खुशी में खुश होता है। मेरा मानना है कि मालिक कहता है कि तुम हमारी मखलूक पर रहम करो, हम तुम पर रहम करेंगे। मखलूक, चरिन्द, परिन्द इंसान और जानवर, सब होते हैं। अभी राष्ट्रपति जी के अभिभाषण में सरकार का जो विज्ञान डाक्युमेंट आया था, उसमें “समग्र विकास” की बात कही गयी थी, “सर्वजन हिताय” की बात

कही गयी थी। उपसभाध्यक्ष महोदय, यह समाज का वह तबका है, जो दूसरे के घर बच्चा पैदा होते देखकर खुश होता है और इतना खुश होता है कि खुशी में नाचने लगता है। यह समाज का वह तबका है, जिसको विपरीतलिंगी लकब दिया गया है, उपाधि दी गयी है। इसने खुद अपने आपको विपरीतलिंगी नहीं बनाया है, बल्कि कुदरत ने उसको यह इनाम दिया है, कुदरत ने उसे विपरीतलिंगी बनाया है। लेकिन हिन्दुस्तान की आज़ादी के 67 बरस बीत जाने के बाद भी अगर समग्र विकास की परिधि में वे विपरीतलिंगी लोग नहीं आते, जो दूसरे की खुशी में खुश होते हैं — खुद उनके घर बच्चा नहीं होता, लेकिन दूसरे के घर बच्चा पैदा होते देखकर खुश होते हैं — तो यह दुर्भाग्य है। मैं एक बार फिर भाई शिवा को मुबारकबाद देता हूँ कि उन्होंने समाज के उस तबके के दर्द को छूने की कोशिश की है, जो हिन्दुस्तान के इतिहास में एक बड़ा स्थान रखता है और बड़े-बड़े योद्धाओं को उनका सहारा लेना पड़ा है।

उपसभाध्यक्ष महोदय, इस विधेयक में बहुत सारी बातें कही गयी हैं, विधेयक बड़ा मुकम्मल है। विधेयक में उन्हें आर्थिक और सामाजिक संरक्षण की बहुत सारी बातें कही गयी हैं, लेकिन मैं और आगे जाकर कहता हूँ - इस विधेयक में जितनी बातें कही गयी हैं - मैं कहता हूँ कि उन्हें राजनैतिक संरक्षण भी दिया जाना चाहिए। मैं उत्तर प्रदेश से राज्य सभा में आता हूँ। उत्तर प्रदेश को यह गर्व प्राप्त है कि वहां से एक विपरीतलिंगी व्यक्ति विधान सभा में आ चुका है। मैं मध्य प्रदेश का रहने वाला हूँ। मध्य प्रदेश को भी यह गर्व हासिल है कि मध्य प्रदेश की विधान सभा में भी आवाम ने एक विपरीतलिंगी व्यक्ति को विधायक बनाया था लिहाज़ा इस बिल को अगर मुकम्मल करना है

اور انہیں پورا انسااف ديلانا ھئ، ماننئى ساماآك نئاى اور اءككارئا مئرى آئ بئء ھئ، مئ انسئ اننروء كراا ھئ كئ ساماآك-اارءك سئرآكئ كئ ساا-ساا انكو رانئئك سئرآكئ مئ ملنا آاھئ۔ آب رانئئك سئرآكئ ملئگا او انكئ ساا ھونئ والئ ناانساافئ نھئ ھوگئ۔ سر، مئنئ اپنئ اانآون سئ دءآا، مئ آاگرا سئشن ٲر مئ بئاا ھوا آا۔ اءك وٲرئالئنگئ وءكئ ىھ سوآ رھا آا كئ وھ مءءانئ باااروم مئ، ىورنل مئ آاؤ آا لئآئآ ىورنل مئ آاؤ۔ آب وھ لئآئآ والئ مئ داآئل ھوا او لئآئآ نئ اسئ آانٹا اور ىھ كھا كئ ءوم ىھان كئسئ آاؤ؟ مئ آءء اسكا ٲرءآءءرئئ ھئ۔ اس ٲكار سماآ كا ىھ ءئرسكر، آو وئ آئل رھئ ھئ، وھ ءئرسكر انكئ اپنئ گلئئ سئ نھئ ھئ، بلكئ كوءرء نئ انھئ دئا ھئ۔ انھئ سئرآكئ دئنئ كئ لئؤ، انكو نئاى دئنئ كئ لئؤ، انكو انسااف دئنئ كئ لئؤ ىھ آاوشك ھئ كئ “سامآر وءكاس” كا نارا دئنئ والئ، “سارآنل ھئاى” كا نارا دئنئ والئ سركار انكو نئاى دئ، انكو اارءك، رانئئك اور ساماآك سئرآكئ ٲرءان كرئ۔ بھوء-بھوء شوكرئاا۔

(ساماٲء)

آوءھرى منور سلئم (اٲرءئش) : اٲ سبھا اءھكش مھوءئ، سب سئ ٲھلئ مئ بھائئ ءروآئ شووا آئ كو مباركبء دئا ھون كئ انھون نئ سماآ كئ ائك ائسئ ٲبقئ كئ ءرء كا آكساس كئا، آو ءوسرون كئ آوشئ مئ آوش ھوئا ھئ۔ مئرا ماننا ھئ كئ مالك كھئا ھئ كئ ءم ھمارئ مآلوق ٲر رآم كرو، ھم ءم ٲر رآم كرئ گئ۔ مآلوق، آرنء، ٲرنء، انسان اور آانور سب ھوئئ ھئ۔ ابھئ راءٲرٲئ آئ كئ ابھئبھاشن مئ سركار كا آو وئژن ڈاكئومئنٹ آئا ءھا، اس مئ 'سمآر وكاس' كئ باء كھئ گئئ ءھئ، 'سروآن ھنائئ' كئ باء كھئ گئئ ءھئ۔

اب سبھا ادھیکش مہودے، یہ سماج کا وہ طبقہ ہے، جو دوسرے کے گھر بچہ پیدا ہوتے دیکھ کر خوش ہوتا ہے اور اتنا خوش ہوتا ہے کہ خوشی میں ناچنے لگتا ہے۔ یہ سماج کا وہ طبقہ ہے، جس کو وپرت-لنگ لقب دیا گیا ہے، اپادھی دی گئی ہے۔ اس نے خود اپنے آپ کو وپرت-لنگ نہیں بنایا ہے، بلکہ قدرت نے اس کو یہ انعام دیا ہے، قدرت نے اسے وپرت-لنگ بنایا ہے۔ لیکن ہندوستان کی آزادی کے 67 برس گزر جانے کے بعد بھی اگر سمگر وکاس کی پریدھی میں وہ وپرت-لنگ لوگ نہیں آتے، جو دوسرے کی خوشی میں خوش ہوتے ہیں - خود ان کے گھر بچہ نہیں ہوتا، لیکن دوسرے کے گھر بچہ پیدا ہوتے دیکھ کر خوش ہوتے ہیں۔ تو یہ بدقسمتی ہے۔ میں ایک باد پھر بھائی شیوا کو مبارکباد دیتا ہوں کہ انہوں نے سماج کے اس طبقے کے درد کو چھونے کی کوشش کی ہے، جو ہندوستان کے اتھاس میں ایک بڑا استھان رکھتا ہے اور بڑے بڑے یودھاؤں کو ان کا سہارا لینا پڑا ہے۔

اب سبھا ادھیکش مہودے، اس ودھیک میں بہت ساری باتیں کہی گئی ہیں۔ ودھیک بڑا مکمل ہے۔ ودھیک نے انہیں آرتھک اور سماجک سنرکشن کی بہت ساری باتیں کہی گئی ہیں، لیکن میں اور آگے جا کر کہتا ہوں، اس ودھیک میں جتنی باتیں کہی گئی ہیں۔ میں کہتا ہوں کہ انہیں راجنیتک سنرکشن بھی دیا جانا چاہئے۔ میں اثر پردیش سے راجیہ سبھا میں آتا ہوں۔ اثر پردیش کو یہ گرو حاصل ہے کہ وہاں سے ایک وپرت-لنگ شخص ودھان سبھا میں آ چکا ہے۔ میں مدھیہ پردیش کا رہنے والا ہوں۔ مدھیہ پردیش کو بھی یہ گرو حاصل ہے کہ مدھیہ پردیش کی ودھان سبھا میں بھی عوام نے ایک وپرت-لنگ شخص کو ودھایک بنایا تھا۔ لہذا اس بل کو اگر مکمل کرنا ہے اور انہیں پورا انصاف دلانا ہے، مائٹے سماجک اور ادھیکارکتا منتری جی بیٹھے ہوئے ہیں، میں ان سے انورودھ کرتا ہوں کہ سماجک-آرتھک سنرکشن کے ساتھ ساتھ ان کو راجنیتک سنرکشن بھی ملنا چاہئے۔ جب راجنیتک سنرکشن ملے گا تو ان کے ساتھ ہونے والی ناانصافی نہیں ہوگی۔ سر، میں نے اپنی آنکھوں سے دیکھا، میں آگرہ اسٹیشن پر بیٹھا ہوا تھا۔ ایک وپرت-لنگ

شخص یہ سوچ رہا تھا کہ وہ مردانہ ہاتھ روم میں، یورینل میں جائے یا لیڈیز یورینل میں جائے۔ جب وہ لیڈیز والے میں داخل ہوا تو لیڈیز نے اسے ڈانٹا اور یہ کہا کہ تم یہاں کیسے آئے؟ میں خود اس کا گواہ ہوں۔ اس طرح سماج کا یہ ترسکار، جو وہ جھیل رہے ہیں، وہ ترسکار ان کی اپنی غلطی سے نہیں ہے، بلکہ قدرت نے انہیں دیا ہے۔ انہیں سنرکشن دینے کے لئے، ان کو نیائے دینے کے لئے، ان کو انصاف دینے کے لئے یہ ضروری ہے کہ 'سمگر وکاس' کا نعرہ دینے والی، 'سروجن ہتائے' کا نعرہ دینے والی سرکار ان کو نیائے دے، ان کو آرتھک، راجنیتک اور سماجک سنرکشن پر دان کرے۔ بہت بہت شکریہ۔

(ختم شد)

SHRI D. BANDYOPADHYAY (WEST BENGAL): Sir, I would like to compliment my brother Member, Shri Tiruchi Siva, for bringing in this Bill in the way he has done it and the matter that he has brought in. Sir, in a polite society, we do not mention the word 'hijra' or whatever we call it. It is an unspeakable word. The people who belong to this community are considered totally untouchable. The way Mr. Siva has brought it out has, at least, touched our conscience that we are discriminating against our own brothers and sisters, a creation of God, for which they are not responsible. Therefore, Sir, I would urge, very simply, through you, upon the Central Government that let them bring out a law on the subject giving some leeway to the States to make such little amendments as they like to cover the whole gamut of the activities of these unfortunate people. (Contd. by 2N – GSP)

GSP-GS-3.25-2N

SHRI D. BANDYOPADHYAY (CONTD.): Sir, before I conclude, I would like to quote a famous judgement delivered by the Bench of Justices K.S. Radhakrishnan and A.K. Sikri. Sir, with your permission, I am quoting a portion of the judgement. It says, "Seldom, our society realises or cares to realise the trauma, agony and pain which the members of the transgender community undergo. It does not appreciate their innate feelings, especially of those whose mind and body disowned their biological sex. Our society often ridicules and abuses the transgender community. They are treated as untouchables forgetting the fact that the moral failure lies in the society's unwillingness to contain or embrace different gender identities and expressions, a mindset which we have to change."

Sir, this is our attitude towards the transgenders. I will only

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Now, Shri M.P. Achuthan.

SHRI M.P. ACHUTHAN (KERALA): Sir, I fully support this Bill and congratulate my dear friend, Mr. Tiruchi Siva, for bringing such a comprehensive Bill. Many of the main issues have been dealt with by other speakers.

We, as a society, consider transgenders as outcast. The attitude of the society has to be changed. If you see it number-wise, it is a small population, and, therefore, cannot influence the electoral results. Therefore, the political parties normally do not consider them as a vote bank. My request is that the issues of the transgenders must become an integral part of the agenda of the political parties in India. Sir, in the last 68 years, we, as a society, did not consider the issues of these people. It is time to do this because after the verdict of the Supreme Court, this issue is in public domain. Now, it is up to the Government to take action and give it a legal framework, and, this Bill, which is a comprehensive Bill, must be the basis for the same.

I appeal to the Government that on the basis of what Mr. Tiruchi Siva has drafted, it should bring a Bill in the next Session of Parliament itself so that justice can be done. It is basically a human

rights issue, it is a democratic issue. If we consider it in that way, we will be doing justice to ourselves as a society. So, I again request the Government to come out with a comprehensive legislation on this issue. Thank you.

(Ends)

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Now, Shrimati Vandana Chavan; not present. Ms. Anu Aga.

MS. ANU AGA (NOMINATED): Sir, I am aware that many things have already been said but, I think, it is worth repeating. In our society, we deny the existence of transgenders and also there is discrimination and taboo against them. As a result, we do not even know the exact number of transgenders existing in India. For no fault of theirs, their families in which they are born are ashamed, and, conceal their identity from the society and shun them to places where *hijra* population lives.

(Contd.

by SK-20)

SK-ASC/3.30/20

MS. ANU AGA (CONTD.): '*Hijra*' is considered a derogatory word and yet we have not found a respectable substitute word for it. Deprived of formal education and skill, they are forced into traditional occupations like blessing a newly-born or a newly-

married couple or become sex workers or beggars. Society and Government so far accepts only the male and the female genders and hence transgenders are forced to identify themselves either as male or female. Some instances were given. For example, as a woman, she enters a woman's railway compartment and she has to deal with smirks and stares. The first requirement is their existence has to be given a legal recognition. Instead of listing them as others, we need to have male, female and transgender in all the forms that we have to fill. In schools, we need to openly talk about transgenders so that our children are sensitized and learn to accept them as normal human beings. Because of this ignorance and bias, there is humiliation and social ostracism, and most transgender students give up studies. These children require counselling and support. There are many legal and special protections transgenders need. But as a first step, if we, the Members of Parliament, recognize and respect their existence, many other benefits are bound to follow. Thank you.

(Ends)

SHRI ANANDA BHASKAR RAPOLU (TELANGANA): Respected Vice-Chairman, to begin with, I salute my elder from Dravidian culture, Shri Tiruchi Siva, for framing and making this document as

the property of the Indian Parliament, of Indian Government and also of Indian people. Shri Tiruchi Siva has drafted this Rights of Transgender Persons Bill with ten Chapters, 58 Clauses, including all the aspects that are required for a comprehensive law. This shall go into the history of Indian Parliament. We shall not forget the *Paramatma Tattva*. These transgenders are from all the cultures and religions. But to make a mention, I take the Vaishnavite formula. Shri Maha Vishnu himself claimed:

"न स्त्री न पुरुषः न षंडा
विश्वमयं तु विश्वविभुव तु"

He is also claimed to be *mohini*, neither man nor woman. And, as rightly recollected by Tripathiji, the Mahabharata establishes the role of not only Brihannala for the transient period of their crisis in the Virata Parva but also reflects the complication of to-be framed society in the shape of Shikhandi before Bhisham Pitamah.

(Contd. by BHS/2P)

-SK/BHS-AKG/2P/3.35

SHRI ANANDA BHASKAR RAPOLU (CONTD.): Now, the status and the plight of transgender persons is more pathetic than *Shikhandi*. The word '*hijra*' is an Urdu-Hindustani word. It is

having its root from Arabic '*hijr*' meaning the person who is moving away from his milieu. The person who is going away from his tribe. That is how it has come. Now, it is being treated across several nations as if it is a community. No; it can never be a community. They belong to several castes, creeds and religions. But that is the bio-technological complication of life. There are transgenic animals, there are transgenic plants and likewise, the transgender lies in human beings. Just sympathy and empathy towards them will not serve at all. Recognition and respect, as advocated by Anu Agaji, will alone elevate our level of standard as human beings, that too within our country, India. I also salute the Mayor of Raigarh in Chhattisgarh — the first transgender Mayor Madhu Bai Kinnar. Her election got the attention and attraction of the global media. That transgender person, Madhu Bai Kinner, has defeated the candidate of the present ruling Party, not only at the Centre, but also in Chhattisgarh. I salute the capacity and stamina of the community, which is not to be. In America, in a State called Utah, just twenty four hours earlier, the Utah Legislature has adopted a legislation providing sufficient rights to lesbian, gay, bisexual and transgender persons. Across the nations, the LGBT community is a challenge and, equally, attracting the attention and the respect. This is high

time for us to get ready to accord the due respect and provide sufficient remedies, amenities and facilities and the separately required, specially required welfare to that complication. At this juncture, I will not only appeal to the Union Government to come out with a comprehensive support mechanism with proper institutional support and safeguards but I also call upon the scientific community that there is a facility for a male person to become female, a female to become male. When it is happening, why this trauma to a transgender person? Let the scientific community rise to the occasion and evolve the required biotechnological scientific innovations so that they can come out of their trauma. Their trauma is not only societal, but they undergo a very severe psychological trauma. Hence, there is every necessity to evolve a certain support mechanism to the research institutes, which are having concentration on the DNA and other formulations, to focus on these aspects also.

(Contd. by YSR/2Q)

-BHS/YSR-SCH/3.40/2Q

SHRI ANANDA BHASKAR RAPOLU (CONTD.): It is mentioned by Mr. Siva in his comprehensive document. Since this happens to be

a Private Member's Bill, we all know that it is not going to become a law.

SHRI TIRUCHI SIVA: Why not?

SHRI ANANDA BHASKAR RAPOLU: It will become a law only when the Union Government of the day adopts it and moves it as its own Bill. Only then is there scope to make it a law. For that, let the Union Social Justice and Empowerment Ministry come up with its mechanism to first evolve the immediate requisites of the institutions such as grievance redressal cells to begin with and subsequently, as proposed by Mr. Siva in his nice piece of legislation, the requisite welfare mechanism and protection to them on a par with the SC and the ST through an Act. This will bring respect to their lives and ease the trauma.

With this appeal, I once again appreciate the gesture, care and concern of Mr. Tiruchi Siva. It is high time the Union Government responded to the present demands and needs of the transgender population. Thank you very much, Sir.

(Ends)

DR. K. KESHAVA RAO (ANDHRA PRADESH): Sir, the very fact that almost all the people are supporting a Bill like this should not require repetition at all.

At the very outset, I would like to congratulate my best friend Siva on working out the entire Bill in detail. I was just thinking that it is some kind of support that we should give to the people who have been discriminated against for no reason at all.

Sir, birth is natural. It is not legal. When a child is born, there is nothing like human rights. I think first it is his natural right and later on you bring human rights. He asked whether the word '*hijra*' is parliamentary or not. They are known by many names. We call them *jogtas, kothi, shivshakti*, etc. Many names are given to them. But the reality tells you that they do exist and they are part of you. My best friend talked about their diverse presence in the present milieu and present society.

Having seen the reality, which you cannot shun, as Mr. Gill said, somehow we have some kind of aversion or some kind of distaste or attitude towards them. Why is it so? All of us have seen Mr. Siva's Bill in detail. All of us are talking about certain facilities and rights to them. According to me, if you read the Constitution, you will find that the rights do exist. They are not being given is another matter. The International Convention No.62 is there. The Constitution of India gives me the right to identity, life, style, practices, etc. All these things are there. Justice Radhakrishnan

and Justice Sikri of the Supreme Court have said that they should get the full rights. But, unfortunately, the present Government, Mr. Minister, Sir, has challenged the Supreme Court Order. Later the Attorney General said, “No, no, we have not challenged it. We wanted a clarification.” No need for clarification. I exist. It is his plight. It is gory. What we must do is that we must react. We must respond. He says the first such mayor is Madhu Bai Kinnar. It is not only Madhu Bai Kinnar. Earlier we had another mayor in Madhya Pradesh. Today, we have two or three MLAs. They are there. But they are not getting it as a right, as part of social system. That is what Siva’s concern is and that is what the concern of all of us is. We exist along with them and we think that some kind of sympathy should flow from us towards that section.

Sir, I don’t want to repeat all these things. Many things have been said. Mr. Tripathi had brought in all the statistics here.

(Contd. by VKK/2R)

-YSR/VKK-PSV/2R/3.45

DR. K. KESHAVA RAO (CONTD.): These are available. But, let me tell you that it is not only about Ruma. Many things are said which are not good. Time and again, we have been saying that statistics about transgenders are not adequate and are not at all correct. Ruma might have said much more. Nagrajan might have said that. Earlier, the novels of Tamil Nadu writers, Vadlamani and Revathi, were translated all over the world in 36 languages. Mr. Tripathi referred to Garuda Purana. It is given in detail. Scriptures back it; international laws back it; Constitution backs it; our own views back it. Yet, this kind of a paradoxical situation still exists. We must say that somewhere it should have stopped.

Sir, through you, I would say that Mr. Siva has given what exactly is required. Constitutional rights are given. But, basically, let us understand why this mental attitude has come. Why is this reservation in us? It could be their behavioural pattern; it could be their body language; it could be our own innate feeling towards something which is not you. We are trying to like the outcasts. So, what is required are, as he said, genetic studies, genome studies, etc. Presentations tell you that there can be correctional methods. It is not that the reassignment surgeries are going to

correct it. A man can be what he is. A lady can be what she is. A transgender can be what he is. But, if there are only behavioural patterns, then there are psychological studies and trends which can be brought in. I request the Government to look into this. Let us have this kind of motivational courses which correct body behaviour and the attitude towards the other man. This is the basic thing.

Sir, being a Minister, I have experienced it myself when people were not allowing transgenders getting admission in schools. First, we thought that we would have separate seats for them. Then, we had separate classes, motivational classes, for them. So, this kind of a thing is not there. I have seen the Bill. I think, the mover of the Bill, Mr. Siva, must also look into that particular issue. He has mentioned about physical correction, reassignment and medical things. All these things are there. The Minister has seen these things. I don't want to repeat them. First of all, let us all help them come out of their trauma. Let us all go with responsiveness and own them as part of this society. First, it must come in us as to what exactly can be done through law or social awareness. That is the first thing we must do. Secondly, there should be some kind of motivational classes for them where they accept us as equals instead of saying that they are not part of us or

are not equals to us. That should come in us and them. Then comes the things which Mr. Siva has given in the Bill like educational reservation, separate treatment in hospitals, etc. All these things are there. So, I don't want to repeat them. The Bill is very comprehensive. He has comprehended the problem and brought in all those things in a comprehensive fashion.

Sir, I have two or three things to say. There was an expert committee which had looked into it. I know it. I also congratulate the State of Tamil Nadu. Mr. Ramaswamy Naicker, in one of his writings, wrote about this gender and how it should be brought in and made a part of the society. So, I congratulate the Tamil Nadu Government. I think the hon. member was talking about things like pension. This is exactly what we should do. It is not that we are giving Rs.1,000. It is only saying that we own you. We are part of you. West Bengal has also started a Welfare Board. We have not heard much except that they have given an action plan. They are looking at the welfare aspect of it like amenities, hospitals, etc. First, make them a part of the milieu. That kind of awareness must come in them. We need some kind of studies which focus on the correctional methods, behavioural patterns, etc. Then comes the

physical thing. Sir, the worst discriminated ones are two, as Mr. Tripathi has rightly said.

(Contd. by KR/2S)

KR/VNK/2S/3.50

DR. K. KESHAVA RAO (CONTD.): One is kothis whom you call *hijras* or shivashakti. Number two is physically and mentally challenged. These two exist. Let us not show sympathy at all. Let us own them. It is not our owning them. Let the society own them. Let the society look to you and them equally. I think that is the spirit of this Bill. Since all of us have lent support to the Bill the Minister should accept it as his Bill. As my friend, Mr. Bhaskar has said, this Bill has come from a private Member, so, it can't become an Act.

SHRI TIRUCHI SIVA: In the past Private Member's Bill had been passed and had become an Act.

DR. K. KESHAVA RAO: Rather I would go that route. Let the Minister know that all the people are agreeing with every part of what has been said in the Bill. Please bring it in the next session.

Lastly, as far as the NDA Government is concerned, you have replied to the Supreme Court. You are unnecessarily misusing Section 377. Section 377 is the practice. Transgender is by nature

and born that way. Let me live, let me correct and let me lead as I want it. That you can't change. Section 377 of the IPC is regarding gays or oral sex is entitled to practice unnatural sex. Mixing these two in the Supreme Court when you have argued has created all these problems.

I have discussed the issue with the Mover of the Bill, Mr. Tiruchi Siva. He did not mix up those two issues at all. He has talked about a particular sect which Mr. Bhaskar has very well said. It is not only Vishwapuranas or Sanskrit scriptures which have said. Due to bio-genetic formations these things happen. Let them get all the rights. Let them be part of the society which they do belong. They are part of the society. I congratulate this Government also. We have elected MPs, MLAs and Mayors. They are asserting themselves. They have their Kalyana Sangams which is fighting for them. We are also fighting for them. We are talking for them in this way, in this fashion, so loudly to show that we all agree with that kind of movement. Let us give them a constitutional right because by birth they have got that natural right. You need not give them through your Acts or human rights. But in what manner you would like to integrate them with the present society which is totally prone to discrimination with each other, a caste ridden society is

important. Let not this become a part of the caste. Let this become part of the humanism. On behalf of all, and on my own behalf, I request the Minister -- since all of us are agreeing to it -- look into it, as it is you who can accept it. I would like to insist that this Bill should be passed. Otherwise, please give an assurance that an expert committee would be constituted, which will study it, the base being the present Bill. If we are also coming out with something, wherein we have all the rights given, but, yet making them a part of the society, without our saying as if we have not done anything, for them to say that they have a right, they are part of the society and part of the constitution that is what we are seeking, and I hope the Government will look into this. Thank you.

(Ends)

DR. E.M.S. SUDARSANA NATCHIAPPAN (TAMIL NADU): Mr. Vice-Chairman, Sir, thank you. I support this Bill moved by our hon. Member, Shri Tiruchi Siva, for the protection of the rights of the transgender persons which is a well structured Bill. As other Members have said, the job of the Government to draft the Bill has already been done by Mr. Siva. I feel that the hon. Minister is also a very nice gentleman. We know it. He has to take it as a historical event to accept this Bill as the Government Bill. If you feel that you

cannot accept it immediately, at least, you should give an assurance that it would be taken up in the second part of the Budget Session as a Government Bill.

(Continued by 2T/RG)

-KR/RG/3.55/2T

DR. E.M. SUDARSANA NATCHIAPPAN (contd.): Why we are stressing on this particular point is that many of the Members of Parliament are working and doing a lot of research to come forward with a piece of legislation. We are not following the model of the United States' Parliament where Parliament Members were bringing a lot of Bills which were accepted according to the Constitution. Members' names are also mentioned saying that the Bill was moved by so and so, and the President of United States accepts them. In certain cases only, if it is not favourable to their own strategy, then, they may not accept it. Otherwise, these Bills are also made as one of the Bills which are binding upon the Government. Therefore, this structure was also taken into consideration when our Constitution was drafted. And this part of the hour, two-and-a-half hours, allotted for Private Members is a special thing for bringing in Members' contributions. Whether they are sitting in the Opposition or in the Ruling Benches, their own

individual recognition is brought up by this method of Private Members' Resolutions or Private Members' Bills. But this particular Bill is on the basis of an International Convention. Many international organizations have come forward and said that every domestic law should have this protection to transgenders. We were having it as a conventional method. You know very well that even in the Mughals' period and subsequent periods, these people were used for the protection of Princess and ladies of the Kingdom because they were very bold, very sincere and very loyal to the Kingdom. Therefore, they were protecting the lady folks of the Kingdom. Subsequently, they were treated excellently in their own identity. But after a certain point of time, they became one of the stigmas of the society. They started to feel that they were being neglected. They were ridiculed by others. They wanted to show their identity by using a different type of dress, using their body behaviour, using their tones for certain purposes. And further they started to be abused by the society. That is why the Parliamentary Forum on Human Rights and also the Parliamentary Forum on HIV AIDS have taken up this issue and the United Nations Development Organisation is also taking up a special case of study. I could attend that Conference at Bangkok in 2010, where the Asian people

are very much affected by this transgender stigma. The European countries could come forward with a protection provision on the basis of the European Constitution, and the European Courts are also protecting them. They have got equal rights everywhere. They are identified as a third gender. They are having their own dignity. They are also protected health-wise. Their surgery method, that is, the procedure, is also accepted by the European countries. The United States of America is also accepting them. Canada is also accepting them. Also, Argentina and many others in the South American countries are accepting them. Even some of the Asean countries are, gradually, coming up with legislations. And we want to create awareness among the people that this is not the sin of anybody. Our friends were citing many of the Vedic happenings. Shikhandi is one of the characters who was holding a small Kingdom and who was woman in her earlier birth. When she could not get married with any prince, she went to Bhishma. But Bhishma refused and the story went on like that. The story further goes on that Arjuna hid behind Shikhandi and killed Bhishma.

(Continued by SSS/2U)