

SKC/2U/4.00

**SHRI SHANTARAM NAIK (CONTD.):** The Portuguese Government lured them into a trap by asking them to register their births in Portugal. They never knew. They thought, if they went to Portugal, their children would be able to study anywhere in Europe and they themselves would be able to move to anywhere in Europe. Therefore, lured by this, they registered their births there. Most of them haven't even seen Portugal in the whole of their lifetime. Now, they are on the rolls of death penalty in Portugal. Therefore, this is the way things have happened. And I blame the Home Ministry here. Of course, we were ruling at that time. Actually, our Ministry should have made those Goans aware that the consequences of this would amount to losing their citizenship. Perhaps, the Home Ministry itself did not know, because it was all complicated. Perhaps, the Government did not know. Perhaps, the then Home Ministry did not know. Otherwise, they should have guided. Applications after applications were coming. These were entertained. These were sent. As a result, these Goans are now on the verge of being declared as Portuguese nationals, unless the Government intervenes.

Sir, I have moved an amendment. This amendment or a similar amendment should have been brought earlier. Now, what is the amendment? I have moved an amendment to Section 9 of the Citizenship Act, which says, "In Section 9 of the Citizenship Act, 1955, in sub-Section (1) after the first proviso, the following proviso shall be inserted, namely, "Provided further that no citizen of India shall be deemed to have lost his citizenship merely on grounds of his or her availing the facility conferred by the Order enacted by the Portugese Government of registering their birth in Portugal to Indian citizens residing in the territory of the erstwhile Union Territory of Goa and Daman & Diu and the Union Territory of Dadra & Nagar Haveli, then ruled by the Government of Portugal, unless such Indian citizen voluntarily applies for the citizenship of that country with the specific intention of renouncing the citizenship of India."

These elements are not there in the Bill. It is only when these people have voluntarily and consciously done so that we can say that they have voluntarily given up their citizenship. I would read, for that purpose, Section 9 of the Citizenship Act. It says, " Any citizen of India who by naturalisation, registration otherwise voluntarily acquires, or has at any time between the 26th January, 1950 and the commencement of this Act, voluntarily acquired the

citizenship of another country shall, upon such acquisition or, as the case may be, such commencement, cease to be a citizen of India." So, it says, "voluntarily acquires". These people don't know. They just give an application. Some touts or agents fill the forms on their behalf; they submit them to the Portuguese Government and they become aware of the consequences only later on. There are some who voluntarily apply for a passport. We are not bothered about those people. There are some people here who have applied for a passport after this process. That means they are aware. We are not pleading their case. We are pleading the case of those people who are not aware. Citizenship should not be taken lightly. Once the Election Commission took these things very lightly. I will cite an example. People working in Gulf countries or working on board ships come back, maybe, after one or two years. They don't cease to reside in their own houses, but the Election Commission tells them, 'Since you were not there, your voting right is gone.'

(CONTD. BY KSK/2W)

sck -- KSK/VNK/4.05/2W

**SHRI SHANTARAM NAIK (CONTD.):** For these two categories, namely, those working on board the ship and those working in Gulf countries, the Government of India had to move an amendment to the Representation of People Act to give them voting rights even when there was no need for it; it was only an interpretation by the Election Commission that they had lost their voting rights, which were to be restored. So, citizenship should not be taken so lightly by any authority in the Government of India.

Thirdly, Sir, I would like to mention that as far as citizenship is concerned, we don't have proper records. I am not speaking of Goa here, but throughout the country, we don't have proper records. Take the case of North-Eastern States. We are in a mess, as far as identifying citizens of India is concerned. Even if the Government tries to know genuinely, they cannot ascertain as to who are the migrants, or who are the immigrants. There is no record. If they try to make a list, genuine persons will have to go out and some bogus persons may remain in the country. Because of this, perhaps, the State Governments are reluctant to have any exercise of recording the names of proper citizens.

Now, as far as citizenship is concerned, I am not going to things other than Section 9, which I have referred to. Other

processes are mentioned in the Indian Citizenship Act, 1955. If the Minister has got any other alternative to save these people, he can come out with that in his reply. I don't say that my amendment is the only solution. I am giving this because this is the perfect solution because it will be done by a law. Tomorrow, Portuguese authorities may not recognise any other solution, but if the Parliament of India passes an appropriate legislation to protect these people, then it will be more effective.

I would like to again recollect the visit of former Chief Minister of Goa, Shri Manohar Parrikar. I would like to know today about the assurance given at that time because people of Goa were not told. If Mr. Parrikar would have come and told what the Home Minister and the External Affairs Minister had told him, people would have listened. People are waiting for this thing. People are in the dark. The only reply I have got is during the proceedings of the Consultative Committee meeting the other day, where you were also present. Two meetings have been held and very soon, we will resolve this issue. This is what Mr. Rajnath Singh has told us. Now, why did the Home Ministry -- I am not blaming you because you were not in power at that time -- not look into this matter carefully? The officers must have advised the Home Minister at that

time. On the contrary, one order was passed practically disqualifying the MLA, who was declared as ceased to be an Indian citizen. So, such a serious order was passed without informing anybody. Nobody knew about it. We should also know as to how this has happened.

Now, what is Minister's next step? This is a Private Member's Bill. The Minister will give some reply, and the Session will also end. I am told that some officials of the Government are going to Goa to ascertain the facts. Practically, for this purpose, the Minister should not have delayed so much for sending officers to Goa. First, it was told that by-elections were there in Panaji. So, they could not go there. There is nothing like that. Nothing stops the Government of India from holding any meeting in a matter like this. They are not inaugurating any project. Again, I am told now that Zila Panchayat elections are there. So, they cannot go again. What is this? Is the Government taking this matter seriously?

Secondly, there is one other strange point. I would request the Minister to tell me if it is true. I am told that affidavits will be obtained from such persons, whoever now want relief. Affidavits will be taken stating the conditions and that they are not aware of

these things and they would like their citizenships to be saved or something like that.

(Contd. by 2X — GSP)

GSP-DS-4.10-2X

**SHRI SHANTARAM NAIK (CONTD.):** If such affidavits are to be obtained, then, there will be no end to this, and, we will not be able to pass any law in this session. If affidavits are to be obtained, it means that you are bypassing an amendment, and, you will be processing everybody's application individually, which will take months together, perhaps years together, and, their fate will remain in balance. I can understand that things are in your hands because it is the Home Ministry, which declares a person as a citizen or non-citizen. To that extent, we are safe but we cannot rely upon such a vague thing. Therefore, you have to have a permanent solution.

Lastly, I would like to mention a general thing. So many Private Members' Bills are introduced. There should be a scrutiny of these Bills because only one or two Bills come up for discussion. Fortunately, today, I was lucky; the other day, Mr. Balagopal was lucky; our Bills came up for discussion. But, it happens with one or

two Members. Hundreds of Bills are introduced. We may not get a chance to speak. But you should examine those Bills to find out which are the good Bills. That way, you can yourself incorporate them in the legislation. After I introduced the Bill, there was no hearing from you. Nothing was heard. When the issue was alive, you should have taken cognizance of this Bill. It could have provided you assistance to arrive at a decision, and, I think, you should have done it in the past.

I hope that in your reply, we will get a positive response as far as the issue of protecting the interests of Goa is concerned. Thank you very much.

(Ends)

**MR. DEPUTY CHAIRMAN:** Thank you, Mr. Shantaram Naik. Now, I have no names with me. If any hon. Member wants to speak, I am ready to allow him. I am so liberal today. ...(Interruptions)... If no hon. Member is coming forward, I am requesting the hon. Minister.

**श्री रामदास अठावले:** सर, मैं कुछ कहना चाहता हूँ। ...(व्यवधान)...

**MR. DEPUTY CHAIRMAN:** Mr. Athawale, do you wish to speak on this?

**श्री रामदास अठावले (महाराष्ट्र):** उपसभापति महोदय, हमारे शान्ताराम नायक जी ने जो बिल यहाँ चर्चा के लिए रखा है, उसका इस हाउस की ओर से समर्थन करने के लिए मैं खड़ा हुआ हूँ। जब गोवा, दमन और दीव तथा दादरा एवं नागर हवेली में पुर्तगाल की सरकार थी, उस टाइम से वहाँ पर रहने वाले लोगों की जो नागरिकता की प्रॉब्लम है, उसके बारे में यह बिल है। उनको नागरिकता देने में जो प्रॉब्लम्स हैं, उनको हल करने के लिए गवर्नमेंट ऑफ इंडिया की होम मिनिस्ट्री को निर्णय लेने की आवश्यकता है। आप लोग जानते हैं कि बंगलादेश से आए हुए Namasudra community के कुछ लोग वैस्ट बंगाल में कोलकाता आदि जगहों पर रहते हैं। वहाँ ऐसे कम से कम दो-ढाई करोड़ लोग रहते हैं, जिनके पास 1971 की कट ऑफ डेट के बाद कोई प्रूफ नहीं है। वे लोग मेरे पास भी आए थे और मैंने प्राइम मिनिस्टर को भी मेमोरेण्डम दिया था। लेकिन वे लोग अभी भारत में रहते हैं। बंगलादेश वाले बोलते हैं कि तुम लोगों का हमारे देश से कोई संबंध नहीं है। ऐसे लोग ठाकुरबाड़ी में रहते हैं, 24 परगना में रहते हैं और कोलकाता में रहते हैं। इसलिए मेरा यह निवेदन है कि ऐसे लोगों को भी नागरिकता देनी चाहिए। भारत के लोग इंग्लैंड, अमेरिका, फ्रांस और जर्मनी जैसे देशों में जाते हैं और वहाँ उनको नागरिकता मिलती है, जबकि ये लोग तो इतने सालों से यहाँ रह रहे हैं। अगर वे आतंकवादी हैं तो उनको जेल में डालो, लेकिन जो लोग यहाँ अपना पेट भरने के लिए आए हैं, उन लोगों को नागरिकता देनी चाहिए।

श्री किरन रिजिजु जी हमारे मित्र हैं तथा राजनाथ सिंह जी भी मेरे अच्छे मित्र हैं, नरेन्द्र मोदी जी के रूप में तो अपने देश को बहुत ही मजबूत

प्राइम मिनिस्टर मिले हैं। उन्होंने आज लोक सभा में अपने देश की एकता को मजबूत करने का भाषण दिया है। मतलब, हम लोग यहाँ कोई झगड़ा लगाने के लिए नहीं हैं, बल्कि सब लोगों को इकट्ठा करने के लिए हैं। इसलिए पुर्तगालों के टाइम से जो लोग वहाँ रहते हैं, उनको नागरिकता देनी चाहिए।

शान्ताराम नायक जी ने जो बिल यहाँ रखा है, यह बहुत ही इम्पोर्टेंट है। इस हाउस में इसका सपोर्ट करने वाला एक भी आदमी न हो, यह बात अच्छी नहीं है। मैं तो अचानक यहाँ आया था और मैंने इसे ज्यादा पढ़ा भी नहीं था, लेकिन यह बिल इम्पोर्टेंट है और इसलिए हम आपको पूरे हाउस की तरफ से सपोर्ट करते हैं। उन लोगों को न्याय मिलना चाहिए, इसीलिए हम आपके साथ हैं। जय भीम, जय भारत।

(समाप्त)

(2वाई/एसके-एमसीएम पर आगे)

SK/2Y/4.15

**MR. DEPUTY CHAIRMAN:** Thank you, Mr. Athawale. So, you have got one supporter, Mr. Naik.

**SHRI BAISHNAB PARIDA:** Everyone supports him, Sir.

**MR. DEPUTY CHAIRMAN:** Okay. Now, Mr. Minister.

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS**

**(SHRI KIREN RIJJU):** Thank you, Mr. Deputy Chairman, Sir. I extend my grateful wish to the hon. Member, Shantaram Naikji, for

bringing this Amendment Bill which may not be directly concerning all the citizens of this country, but it is very vital for the residents of the territories of Goa, Daman and Diu. I would not like to elaborate much because history is known to all of us and much of the provisions in the laws have also been mentioned by the hon. Member. I also thank Athawaleji for participating and supporting the points mentioned by the hon. Member.

Some of the actions which the Ministry of Home Affairs has initiated have also been mentioned by Shantaram Naikji. I would not like to deliberate much upon those points. I would like to read out one portion which deals with the provisions of the law where India does not allow dual citizenship. Article 9 deals with a person voluntarily acquiring citizenship of a foreign state. "No person shall be a citizen of India by virtue of article 5 or be deemed to be a citizen of India by virtue of article 6 or article 8 if he has voluntarily acquired the citizenship of any foreign state." Now, when Goa, Daman and Diu were liberated from the Portuguese rule, the Government of India promulgated the Goa, Daman and Diu Citizenship Order in the year 1962 by which every person who or either of his parents or any of his grandparents was born in those territories before the 28<sup>th</sup> December, 1961, shall become a citizen of

India. And there was one option given that within one month, if so desired, if anybody wants to retain the citizenship or nationality which they had immediately before 28<sup>th</sup> December, 1961, they can continue to remain so. To the best of our knowledge and belief, most of them did not exercise that option and consequently they are all deemed to have acquired Indian citizenship. Now, the problem to a large number of Goans arose when the Government of Portugal declared that anybody who registers himself into the Central Registry of birth, death and marriage of Portugal, the desk will operate in Goa also and whoever registers there, they are considered to be citizens of Portugal. That is the basis of the problem which hon. Member has rightly brought up.  
..(Interruptions)..

**SHRI SHANTARAM NAIK:** They do not say that they are citizens.  
..(Interruptions)..

**SHRI KIREN RIJJU:** That gave them the basis ..(Interruptions)..  
and that has caused problems to lots of people in Goa and the then two hon. MLAs about whom the hon. Member mentioned.

I would like to inform the hon. House, through you, Sir, that there is a provision for even foreigners to seek Indian citizenship. The Act provides for the acquisition of Indian citizenship after the

commencement of the Act by birth, by descent, by registration, by naturalization and by incorporation of territory. The Act also provides for termination and deprivation for Indian citizenship under certain circumstances. There is no discrimination on the basis of nationality or gender of a person for grant of Indian citizenship. We got representation from the then Chief Minister of Goa, who is Minister for Defense presently in the Government, and many other people. When I went to Goa, this issue was also brought up.

(Contd. by BHS/2Z)

-SK/BHS-HMS/2Z/4.20

**SHRI KIREN RIJJU (CONTD.):** The Home Ministry, Government of India, is really concerned that because of an act of another sovereign nation, our citizens, by default, are facing trouble with regard to their identity. It is a matter of great concern to the Government. I also believe that hon. Member has rightly mentioned that there has been undue delay in settling this issue. The Ministry of Home Affairs is considering this matter very, very urgently acknowledging that the matter has been unduly delayed. A committee has been constituted under the chairmanship of Additional Secretary (Foreigners), who looks after the Division of

foreigners' matters in the Ministry. This inter-Ministerial Committee has already sat twice. Now, things are on the verge of solution. We are working out with a mechanism where all those people, who have fallen victim to this particular order issued by the Government of Republic of Portugal, are dealt with properly. Now, there may be some of the members, who have, by mistake, got into that registration process and there is a law, which has attracted and which has affected negatively to their status. We will definitely take care of that. Hon. Member was also mentioning about some process of affidavits. What I would like to mention here is that, as a process of natural justice, if a person, not because of his fault, falls into some trap or some difficult situation by an act of another sovereign nation, then, it is the bounden duty of the Government to ensure that his status is ensured for his convenience. And, very soon, the Government is coming out with the Citizenship Amendment Act also, where large issues of the people related to citizenship status will be dealt with and I would be delivering the subject in detail at that time. But, today, when this Private Member's Bill has come, I will not like to deal in details with various provisions. But, I can assure the hon. Member that we are, as I mentioned, looking at this case very, very closely and urgently. It

would not take much time. It is the concern of hon. Member Shantaram Naikji. He comes from Goa. Goa is such a beautiful place and people are very friendly. Sir, you are such a senior Member of the august House. We all know that anybody who goes to Goa, gets the kind of environment where you really fall in love with Goa. If any citizen or any resident of Goa, Daman & Diu gets into a problem, it is our moral duty to take care of that.

**MR. DEPUTY CHAIRMAN:** Shri Shantaram Naik can invite us!

**SHRI SHANTARAM NAIK:** I welcome all the Members of Rajya Sabha.

**SHRI KIREN RIJJU:** Through you, hon. Deputy Chairman, Sir, if hon. Member Shantaram Naikji invites everybody to Goa, everybody will love to go to Goa.

**MR. DEPUTY CHAIRMAN:** He would be very happy.

**SHRI KIREN RIJJU:** So, to ensure that no resident of Goa, Daman & Diu is unduly troubled because of an act of an another sovereign nation, as a sovereign nation, it is our bounden duty and obligation to take care of that.

With these few words, I would like to request hon. Member Shantaram Naikji to withdraw this Bill with my assurance that Government will very soon settle this issue and ensure that no

individual from the erstwhile territory of Portugal, which very lovingly we call our territory, will face any kind of undue problem because of the gap between our law and the law of the Portugal. So, with that assurance, hon. Deputy Chairman, Sir, I would request the hon. Member to withdraw the Bill.

(Ends)

**SHRI SHANTARAM NAIK:** Sir, with the sweet assurance, which has been given by the hon. Minister, I seek your leave to withdraw the Bill.

(Ends)

**MR. DEPUTY CHAIRMAN:** Thank you very much. So, I seek the leave of the House to withdraw the Bill.

**SOME HON. MEMBERS:** Yes, yes.

*The Bill was, by leave, withdrawn.*

**MR. DEPUTY CHAIRMAN:** Yes. The House has consented for the withdrawal. The Bill is withdrawn.

Now, we take up the Rights of Transgender Persons Bill, 2014. Shri Tiruchi Siva.

(Ends)

(Followed by YSR/3A)

-BHS/YSR-KLG/4.25/3A

## **THE RIGHTS OF TRANSGENDER PERSONS BILL, 2014**

**SHRI TIRUCHI SIVA (TAMIL NADU):** Sir, I beg to move:

That the Bill to provide for the formulation and implementation of

a comprehensive national policy for ensuring overall development of the transgender persons and for their welfare

to be undertaken by the State and for matters connected therewith and incidental thereto, be taken into consideration.

**MR. DEPUTY CHAIRMAN:** Mr. Tiruchi Siva, just give me half a minute. I hope the House knows that after 5:00 p.m., according to earlier decision, we will take up the discussion on Motion of Thanks on President's Address. Special Mentions will be taken up after 6.00 p.m. Now, you speak.

**SHRI TIRUCHI SIVA:** Sir, indeed I am very happy and proud to bring in this Bill which provides me an opportunity to advocate the cause of a section of society, who are not understood, who are not recognised, who are sidelined and who are neglected by society.

The Bill seeks to provide for the formulation and implementation of a comprehensive national policy for ensuring

overall development of the transgender persons and for their welfare to be undertaken by the State.

Sir, who is a 'transgender'? A 'transgender' is a person whose sense of gender does not match with the gender assigned to that person at birth. They include trans-men and trans-women (whether or not they have undergone sex reassignment surgery or hormone therapy or laser therapy), genderqueers and a number of socio-cultural identities such as *kinnars*, *hijras*, *aravanis*, *jogtas*, etc.

Sir, the remit of the Bill is to discuss the issues of transgenders. I would like to make it clear that the Bill does not intend to discuss the issues of lesbians, gays and bisexuals.

The guiding principles of the Bill will be: respect for inherent dignity, individual autonomy, including the freedom to make one's own choices and independence of persons; non-discrimination; equality of opportunity; full and effective participation and inclusion in society; and respect for difference and acceptance of transgender persons as part of human diversity and humanity.

Sir, transgender persons have existed in every culture, race and class since the story of human life has been recorded. India's transgender community continues to face a plethora of problems.

They suffer a whole lot of mental, physical and sexual oppression in society. The health and wellbeing of transgender persons suffer great harm by attitudes of intolerance and hatred towards diverse gender expressions. If a transgender person is insulted and goes to the Police, no case is registered. They don't have any recourse to justice through the Police or the law. They are sidelined and treated as untouchables. The denial of social justice leads to the denial of economic and political justice. They suffer from poor access to education, legal aid, employment, even homelessness and lack of social acceptance.

(Contd. by KR/3B)

KR/MP/3B/4.30

**SHRI TIRUCHI SIVA (CONTD.):** Sir, a very pathetic condition of them has not been realised by many. If it is not discussed here, where else can we discuss it? If not me, who else will? So, I intended to bring forward this Bill and awaken the Government to bring in a national policy for the transgenders. They have very limited employment opportunities. They are often pushed to the periphery as a social outcast, and many may end up in begging and dancing and what not, I need not elaborate here. This is by all means a human trafficking. They even engage themselves as sex

workers for survival. Transgenders have no access to bathrooms or toilets and public spaces. The lack of access to bathrooms and public spaces is illustrative of discrimination faced by transgender in availing each facilities and amenities. They are discriminated against in access to medical services and most hospitals lack adequate skills or provisions to meet their special health needs. Measures towards sensitisation of school administrations, curbing of stigma, discrimination and violence against transgender persons are also mostly absent.

Sir, this Bill aims to put an end to all these injustices faced by the transgender community in our country and ensure them a dignified life, free of discrimination and unnecessary prosecution.

Sir, a national commission and a State commission should be set up across the country which would help them under this Bill to ensure their protection and promotion of the rights of transgender persons and to undertake welfare measures to integrate them into the mainstream society.

We need Transgender Rights Courts. I think the Minister is very much conscious and aware of all these things which are happening and I would like to elaborate in the later part of my speech what the Government is doing. In a way I think that has also to be pointed

out. So, a Transgender Rights Court would be specified for the purpose of speedy disposal of suits which may be filed by or on behalf of transgender persons regarding infringement of their rights as a transgender person, under this or any other law for the time being in force.

Sir, I am proud to say here, the State of Tamil Nadu had set an example for the country by taking affirmative action for the uplift of the transgender community. Sir, in the year 2008, when we were ruling, when Dr. Kalaignar was the Chief Minister of Tamil Nadu, it became the first State in the country to constitute a Welfare Board for the transgender community, with the official working staff being the members of the transgender community. Now, in the year 2014, the Government of Maharashtra had set up the same Welfare Board. Though the West Bengal Government had announced to set up a Welfare Board, it has not yet implemented. It is said to be taken off. So, we became the first State to constitute a Welfare Board. It took affirmative action to achieve equality by reserving seats for third gender students in Government owned arts and science colleges with full scholarship for higher studies. I think the cue can be taken by the Union Government from the State Government of Tamil Nadu, the Welfare Board and its aims and

objectives and what have been done. What is being done, I am not aware, I do not want to get into that. But this was constituted with a very good intention, and this was the first ever State in the country. So, Tamil Nadu Government has been providing ration cards, and identity documents to third gender people with the appropriate gender category. Transgenders are provided alternative sources of livelihood through formation of self-help groups for savings and initiating income generation programmes. This is all in Tamil Nadu. I would like to suggest again take a cue from the State. The Central Government always used to guide the States, but now I think the incumbent Government which gives more importance to the States can take the cue from the Government of Tamil Nadu. We have been pioneers in many areas. This is one among them. The State Government of Tamil Nadu is also giving subsidy to all those transgenders who wish to undergo surgical treatment for change of their sex; and free housing programmes also. I do not know what is being done now and again I say, these were the objectives of the Welfare Board and it was achieved very much to the extent when we were ruling. ..(Interruptions)..

**SHRI A. NAVANEETHAKRISHNAN:** It is being continued; and with more welfare schemes.

**SHRI TIRUCHI SIVA:** Very good, welcome.

**SHRI A. NAVANEETHAKRISHNAN:** You should not reveal your \*  
You have come prepared ..(Interruptions)..

(Continued by 3C/KS)

KS/3C/4.35

**SHRI A. NAVANEETHAKRISHNAN:** While I speak, I must speak the truth. ...(Interruptions)... I am sorry. ...(Interruptions)...

**SHRI TIRUCHI SIVA:** Mr. Vice-Chairman, I strongly condemn the use of the word \* . He cannot use the word \* against a Member about whom he does not know anything. I am not...

**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):**

In this particular matter...

**SHRI TIRUCHI SIVA:** If I have said, nothing is being done, there is some reason behind his getting provoked. I can even say that, but I didn't say that. I said, I don't know what is being done here, because I am not from the Ruling Party. But how can he use the word \* ? So, I urge the Chair, kindly expunge the word or else, I

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\* Expunged as ordered by the Chair.

would not continue my speech. This is insulting a Member. You must go through the Rule Book.

**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):** We would look into it and if necessary, that would be done. But please continue.

**SHRI TIRUCHI SIVA:** Kindly go through the Rules Book, Sir. Such a word cannot be used against another Member.

**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):** Kindly continue. We would look into it and if it is unparliamentary, we would expunge it.

**SHRI TIRUCHI SIVA:** How can a Member be accused with such a strong word? I didn't accuse them. I didn't make any charge.

**SHRIMATI VIJILA SATHYANANTH:** Sir, he said...

**SHRI TIRUCHI SIVA:** No, no. Please, please. Please sit down. Don't exaggerate and do not initiate me into some other point.

**SHRIMATI VIJILA SATHYANANTH:** "I don't know", he said.

**SHRI TIRUCHI SIVA:** No. He used the word \*. He used the word \*. I strongly condemn that.

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\* Expunged as ordered by the Chair.

**SHRIMATI VIJILA SATHYANANTH:** Sir, the Self-Help Group is continuing the work.

**SHRI TIRUCHI SIVA:** You see, the Welfare Board is not functioning. Now, I charge. ..(Interruptions)... Now, I charge. The Welfare Board for Transgenders in Tamil Nadu is not functioning there. Come on! I make a charge; now, take it up. ...(Interruptions)... Explain what you have done. Tell me what you were doing. ...(Interruptions)... I was very courteous in using my words.

**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):**

Please sit down. If you talk like this, nothing will go on record. ...(Interruptions)... These are just interruptions. Kindly sit down. ...(Interruptions)...

**SHRIMATI VIJILA SATHYANANTH:** He should not say that. ...(Interruptions)...

**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):**

Please sit down. ...(Interruptions)... Tamil Nadu is playing a lead role in this matter. Kindly try to put forth your points when your turn comes. Do not interrupt. Nothing will go on record. How both your parties are planning to go ahead with it, what your achievements are, kindly state such things.

**SHRI TIRUCHI SIVA:** I am very, very sorry, Sir. I am raising a very, very important issue. ...(Interruptions)... I am not going into that issue. I don't wish to come down to that level.

**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):**

Please go ahead. Continue with your speech.

**SHRI BASAWARAJ PATIL:** Just a minute. You have taken up an issue which is very important for the whole country. Let them talk. Nothing will happen. You proceed with it.

**SHRI TIRUCHI SIVA:** I think I am very frank. Everyone knows this. I do not get into any unnecessary arguments. I only said that this was initiated during our period, and I don't know what is being done. That is all. I didn't accuse them that they were not doing anything. Why should he get unnecessarily provoked and use such words? I again register my demand, through you, Mr. Vice-Chairman, Sir, that that word should be expunged. Or else, I will take up this issue. I know the rules and the procedure of this house. No Member should use a strong word against any Member of this House.

**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):**

Yes, yes. Please continue.

**SHRI TIRUCHI SIVA:** I am dealing with such a serious issue. It is a national issue. The whole of the country is waiting for this Bill. The transgender community is waiting for this. What is this?  
...(Interruptions)...

**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):**

Please sit down.

**SHRI TIRUCHI SIVA:** You speak when your turn comes. I can also use words. ...(Interruptions)... I know more words than what he knows. I know how to use them.

**THE VICE-CHAIRMAN:** Please. ...(Interruptions)... Please do not get emotional. Please calm down. And continue your speech.

**SHRI TIRUCHI SIVA:** No. I am extremely sorry. I think the whole House should recognize this. ...(Interruptions)... I have never come across a Member accusing another Member with such a hard word and for no reason. I can also use stronger words. But I know how to use them. I know the restrictions. I know the decorum of this august House.

**SHRIMATI SASIKALA PUSHPA:** Sir, the matter has been settled. It is better if he can stop this and continue.

**SHRI TIRUCHI SIVA:** No; only if this is expunged. That is my concern. I have been provoked. I have been insulted. What is it? ..(Interruptions)...

**SHRI A. NAVANEETHAKRISHNAN:** No, Sir.

**SHRI TIRUCHI SIVA:** Don't belittle such a big issue.

**SHRIMATI SASIKALA PUSHPA:** This is a Private Member's Bill and you...

**SHRI TIRUCHI SIVA:** Mr. Vice-Chairman, I challenge...

**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):**  
Please sit down. Don't make it a...

**SHRI TIRUCHI SIVA:** I challenge and I register...

**SHRIMATI SASIKALA PUSHPA:** You should behave in a dignified way.

**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):**  
Please. ...(Interruptions)... You may continue afterwards too.  
Please sit down.

**SHRI TIRUCHI SIVA:** Sir, I will speak about that at the end. I do not want to spoil the debate on such a big issue that I have taken up. The whole transgender community in this country is awaiting as to what is going to happen about this Bill or how the Government is going to respond. The Supreme Court's directions

are there. I said it at the very beginning, if not here where else, if not we who else. So, it is a serious issue. It is not a political issue.

**THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN):**

Kindly come to the point, please.

**SHRI TIRUCHI SIVA:** I have been distracted, unnecessarily by the use of hard words. I have never come across something like this.

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKHTAR ABBAS NAQVI):**

You are raising a very important issue. It is the responsibility of every Member of the House to maintain decorum and dignity of the House. Thank you.

**SHRI TIRUCHI SIVA:** It must be noted that historically, *hijras*, the transgenders, have played a prominent role in the Indian society.

(CONTD. BY RL/3D)

--KS/RL-GS/4.40/3D

**SHRI TIRUCHI SIVA(contd.) :** With the on-set of colonial rule from the 18<sup>th</sup> Century onwards, the situation has changed drastically. During the British rule, Sir, one must know that a law was enacted to supervise the deeds of Hijras, the Transgender community, called the Criminal Tribes Act, 1871 which deemed the entire

community of Hijras innately criminal and addicted to the systematic commission of non-bailable offences. The State should take measures to regain the respect and place in the society which they once enjoyed in our cultural and social life; undoing centuries of discrimination that the transgender community has faced will require targeted intervention by the State. Sir, what does the Indian Constitution say in general about the uplift of the marginalized community? The Preamble to the Constitution mandates justice, social, economic and political equality of status. Thus, the first and the foremost right that they deserve, is the Right to Equality under Article 14. Article 15 speaks about the prohibition of discrimination on the ground of religion, race, caste, sex or place of birth. Article 21 ensures Right to Privacy and personal dignity to all the citizens. Article 23 prohibits trafficking in human beings as beggars and other similar forms of forced labour and any contraventions of these provisions shall be an offence punishable in accordance with the law. Sir, the Constitution provides for the fundamental right to equality and tolerates no discrimination on the grounds of sex, caste, creed or religion. The Constitution also guarantees political rights and other benefits to every citizen. In the light of the Constitutional guarantees provided, I urge the Union

Government that for no reason why the transgender community is being neglected. Why are they deprived of their basic rights which include rights to personal liberty, dignity, freedom of expression, right to education and empowerment, right against violence, discrimination and exploitation? Sir, the Constitution ensures that every person and every generation can invoke its principles in their own search for greater freedom whereas these people are not. The Constitution affirms equality in all spheres but the moot question is whether it is being applied, especially, with these people, the transgender. Sir, a very, very happy thing to note is recently the Supreme Court in April, 2014 in a judgment has ordered to constitute an Expert Committee whose suggestions are in support of this Bill. I think, more or less, the Expert Committee has done something that this Bill is trying to achieve. A landmark judgment was pronounced in April, 2014 by the Supreme Court of India that provided for legal recognition of third gender apart from male and female. The judgment upholds the right of transgender persons to decide their self-identified gender and directs the national and State Governments in India to grant legal recognition to the gender identity as male, female or a third gender. Sir, I have always been proud to say that Tamil Nadu has been the pioneer in social justice

as we have first constituted a Welfare Board for the transgenders as an example to the country. Still, a voice is raised across the country that there must be universalization in public distribution system. No court has ordered that, but it is the voice of the common man. I am proud to say here that too was only when we were ruling and our leader was the Chief Minister of Tamil Nadu, the universal public distribution was started. I think the same Union Government, the Ministers many a time have appreciated the Tamil Nadu Government, and the way we have been delivering such social justice and improving things. So, also, Sir, the Supreme Court also directed Government units to establish separate HIV centres for transgender persons to take proper measures to provide medical care, to treat transgender persons in hospitals and to provide transgender persons with separate public toilets and other facilities. The Expert Committee constituted by the Ministry of Social Justice and Empowerment to make an in-depth study of these transgenders submitted its report in the month of January, 2014.

(CONTD. BY VK/3E)

VK/3E/4.45

**SHRI TIRUCHI SIVA (CONTD):** The Committee has made some suggestions to the Government to ameliorate their problems. One is to sensitise the police about human rights, abuse of the transgender community and take appropriate steps to stop abuse, train and sensitise public healthcare providers on SRS and other health issues and provide community-friendly services free of stigma and discrimination. The Government should take steps to sensitise the general community so as to create a supportive and enabling environment for the transgender community. The transgender community should be involved in designing any programmes and intervening for the community. The Ministry of Social Justice and Empowerment should take up research studies to generate more evidence to design the programmes and intervention for the community; address the social needs of transgenders including education, employment, health and housing needs. The Rights of Transgender Persons Bill, that I have brought now, focusses on carrying out the Expert Committee's suggestions and the Supreme Court directives by prescribing mechanism for non-discrimination, education, skill development and employment, social security, health, legal aid and rehabilitation of transgender persons. It must be noted that nearly a year after

the Supreme Court's judgement and more than a year after the Expert Committee tabled its suggestions, most of them have not been effectively implemented. Sir, that is the reason why a need to introduce a Bill like this has arisen. Had the Supreme Court judgement been taken into account, or had the Expert Committee's Report been looked into by the Union Government, I think, something would have been done by this time. Since no trace is being seen, it became very, very imperative at this moment of time because we come across transgenders in every place. Because they are not accepted, because they are not recognised, because they are insulted, they indulge in various activities which irritate the common people. When they resort to the police, the police does not help them. When they go to court of law, there is no legal aid for them. So, they are again and again destined to the way of living they have been used to, which is not generally accepted. So, I would like to mention about the recent attacks on transgenders. For example, in the past six months, there were 40 attacks on transgender people only in the Telangana State. A Non-Government Organisation, Telangana Hijra Transgender Samiti based in the southern city of Hyderabad reported attacks in six months. This is happening everywhere. So, I think, this has to be

put a full stop to save those people and to make them feel that they are also a part of the society. They have got every right legally for access to education, employment, medical aid and also empowerment. They should be confident that this Government will assure this. Sir, the Rights of Transgender Persons Bill, I have brought in now for the consideration of this House, for discussion, thereby expecting the Government to give a positive reply. I am, by way of this Bill, prescribing mechanisms for non-discrimination, education, skill development, employment, social security, health, legal aid and rehabilitation of transgender persons which endeavours to put an end to the inhuman treatment meted out to the transgender community by various elements of the State and the society. This Bill aims to regain the respect and place in the society which they once enjoyed in our cultural and social life. Undoing centuries of discrimination that the transgender community has faced, will require targeted interventions by the State. Sir, this is not a journey to achieve any political mileage. This is a social concern, this is my concern for a fellow man, rather a fellow person. When I saw how they were being treated, when I felt the indignity meted out to them by the society, I thought, something must be done. An individual outside may have sympathy, but an

august House like this, which legislates law for the improvement and upliftment of the people in the country, alone will have to do it. So, on behalf of the Government, I expect a positive reply that my Bill will help this Government and this august House to discuss threadbare deep into these issues. Again I would like to urge, Sir, those who are not interested may keep out of it. I think the people are waiting outside. The transgender people, when they came to know that I am introducing such a Bill, were all happy. They came and thanked me.

(Contd. by 3F)

-VK/RG/LP/4.50/3F

**SHRI TIRUCHI SIVA (contd.):** They came and thanked me. And they are all awaiting. They are across the country, everywhere and in every State. They have now crossed more than a few lakhs. Earlier, they were in some thousands, and they are now a few lakhs in numbers. So, these people, whose sense of gender does not match with the gender which was assigned to them at birth, expect dignity from this Government. With these words, Sir, I move this Bill. I expect my fellow colleagues to express their expert views on this Bill and I expect a positive reply from the Government.

Before concluding, I again urge upon you, Mr. Vice-Chairman, Sir, to kindly look into the record and expunge the word which was used against me, which provoked me, which was unforeseen and which shows inexperience in this House. Kindly do that. Thank you very much.

(Ends)

**श्री बसावाराज पाटिल (कर्णाटक) :** माननीय उपसभाध्यक्ष जी, "विपरीतलिंगी व्यक्तियों के अधिकार विधेयक, 2014" बिल के माध्यम से माननीय श्री तिरुची शिवा जी ने एक महत्वपूर्ण विषय पर सरकार के ध्यान को आकर्षित करके एक विशेष संशोधन हमारे सामने रखा है। हम जीवन में अपने आपको जितना भी होशियार मानते हों, कितने भी अच्छे कानून बनाएं, तब भी हमसे कहीं न कहीं भूल होती है। जैसे मैं जब कभी अनाथ बच्चों के विद्यालय में जाता हूं, तो जब उन बच्चों को कास्ट सर्टिफिकेट देने की बात आती है - वह बच्चा तो रोड के कहीं किसी कोने में मिला होता है, लेकिन सर्टिफिकेट न मिलने के कारण उस बच्चे को किस श्रेणी में, कहाँ जोड़ना चाहिए, यह आज तक न सुलझी हुई समस्या है। नॉर्मल रूटीन में आने वाले बच्चे को तो सब सुविधाएं मिलती हैं, लेकिन इस प्रकार की विशेष परिस्थिति वाले बच्चों को, जिनके वे जिम्मेदार नहीं हैं, जिंदगी भर कष्ट सहना पड़ता है। वैसे ही संविधान के अंदर जो अलग-अलग प्रकार की सुविधाएं दी गई हैं, उसके आधार पर जो एस.सी, एस.टी. और अन्य प्रकार के लोग हैं, उनके लिए यदि कन्नड, अंग्रेजी या हिंदी भाषा के अंदर लिखते समय कहीं पर

थोड़ी-सी भी भूल हो गई, तो उनको जो हक मिलना चाहिए, वह उनको आज भी सैकड़ों वर्षों से नहीं मिल रहा है। इसी प्रकार का एक विशिष्ट ग्रुप, जो इस देश में मनुष्य के नाम से, मानव जीव के नाते जीता है, लेकिन उनके बारे में जिस हद तक हमारा ध्यान होना चाहिए, वह नहीं गया है। इसके बारे में भारत सरकार के द्वारा एक समग्र कानून बने, इस बात को लेकर एक परिपूर्ण चिंतन के साथ तिरुची शिवा जी ने इस बिल को प्रस्तुत किया है। साथ ही साथ उन्होंने यहाँ पर कुछ और चीजें भी सरकार के ध्यान में लाने की कोशिश की है। उन्होंने यानी सुप्रीम कोर्ट ने भी इसके बारे में भारत सरकार को एक विशेष डायरेक्शन दी है। इसके साथ ही साथ मैं बड़ा संतोष व्यक्त करता हूँ कि भारत देश के अंदर तमिलनाडु ने इन लोगों के बारे में सोचने के लिए अपने राज्य के स्तर पर एक बहुत महत्वपूर्ण काम का बीड़ा उठाया है। उसी का अनुकरण महाराष्ट्र ने किया है और बंगाल वालों ने भी उसी दिशा में जाने की कोशिश की है, परंतु अगर भारत सरकार स्वयं इनिशिएटिव लेकर संपूर्ण देश के लिए इसके बारे में एक ठोस व्यवस्था और कानून बनाए तो अच्छा होगा। इसके साथ ही साथ सुप्रीम कोर्ट का भी इसके लिए मार्गदर्शन है। इन सब बातों को ध्यान में रखते हुए सुप्रीम कोर्ट के डायरेक्शन में जो कमेटी बनी, उसकी जो रिपोर्ट आई, सरकार निश्चित ही उस दिशा में कुछ न कुछ कर रही होगी, इसलिए सरकार उसकी एक निश्चित रूप रेखा प्रस्तुत करे। ये जो असहाय लोग हैं, जो एक प्रकार के ह्यूमिलिएशन, अपमान की अन्य स्थानों पर, रास्ते में जाते समय, बैठे समय, ट्रेन में, अलग-अलग स्थानों पर अनुभूति करते हैं, यह मानव समुदाय के लिए एक बहुत ही अपमानजनक और

दुखदायी प्रसंग है। उनको इससे मुक्त करने के लिए या तो सरकार तिरुची शिवा जी के इस बिल को स्वीकार करे, या भारत सरकार समग्र रूप में इसको स्वीकार करते हुए स्वयं अपनी ओर से कोई एक नया बिल प्रस्तुत करके या संविधान में संशोधन प्रस्तुत करते हुए इस प्रकार का जो एक तिरस्कृत ग्रुप है, समुदाय है, जिसके भविष्य के बारे में तिरुची शिवा जी ने समग्र चिंतन किया है, उनकी पढ़ाई, उनकी दवाई, उनके रहन-सहन, उनके जीवन की सुरक्षा और जैसे अलग-अलग प्रकार के ग्रुप के लोगों को जो सुविधा मिलती है, वह इनको भी मिले।

(akg/3g

पर जारी)

-LP/AKG-SSS/3G/4.55

**श्री बसावाराज पाटिल (क्रमागत) :** कई बार तो ऐसा भी होता है कि एजुकेशन डिपार्टमेंट से कुछ सुविधा मिलती है, कुछ सोशल वेलफेयर की लिस्ट में उनका नाम होता है, लेकिन इन डिपार्टमेंट्स की प्रॉब्लम के कारण भी कई बार इस प्रकार की समस्याएँ होती हैं। इसीलिए उन्होंने इसमें यह माँग की है कि उनके लिए राष्ट्रीय स्तर पर भी एक कमीशन बने, राज्य के स्तर पर भी एक कमीशन बने, उसकी एक बॉडी बने, उसका एक चेयरमैन बने और उसको लगातार मॉनिटर करने की एक व्यवस्था बने। एक प्रकार से उन्होंने तिरस्कृत समाज के प्रति इतना दिमाग लगा कर, ताकत लगा कर, चिंतन लगा कर यह जो बिल प्रस्तुत किया है, यह अत्यंत महत्वपूर्ण बिल है। मैं जरूर समझता हूँ कि आदरणीय नरेन्द्र मोदी जी की सरकार और सुप्रीम कोर्ट

के मार्गदर्शन, इन दोनों चीजों को ध्यान में रखते हुए भारत सरकार निश्चित ही इस दिशा में कोई रास्ता लेगी और निश्चित रूप से इस प्रकार के असहाय लोगों के जीवन के अन्दर बचपन से लेकर जीवन की अन्तिम घड़ी तक जिस-जिस प्रकार की समस्याएँ आती हैं, उन सब समस्याओं के निराकरण के रूप में कोई समग्र कानून और व्यवस्था बनाएगी। इन बातों को कहने का आपने मुझे यह जो अवसर दिया है, इसके लिए मैं आपको धन्यवाद देता हूँ।

(समाप्त)

**श्री हरिवंश (बिहार) :** उपसभाध्यक्ष जी, ट्रांसजेंडर लोगों के हालात बदलने के लिए माननीय सदस्य श्री तिरुची शिवा जी ने जो प्रस्ताव दिया है, मैं उसके समर्थन में बोलने के लिए खड़ा हूँ। यह विधेयक का रूप ले, इस पक्ष में मैं अपनी बात रख रहा हूँ। किसी भी समाज की ऊँचाई या सभ्यता और संस्कृति की ऊँचाई या उसका उत्कर्ष माना जाता है कि हम समाज के हर व्यक्ति को कितना महत्व दे पाते हैं, हम सबको कितना सम्मान दे पाते हैं, कितना बराबर का अधिकार दे पाते हैं, कितना बराबर का हक दे पाते हैं। बेजुबानों को आवाज न देना, महज जिनसे हमें तात्कालिक राजनीतिक लाभ मिले, सिर्फ उनके लिए सक्रिय हों, यह हमारा मानवीय फर्ज न हो। एक मनुष्य होने के फर्ज के तहत हमारे जैसा इंसान आपके माध्यम से सरकार से अपील करता है, एक सांसद होने के कारण भी, कि हमें ऐसे समूहों पर विशेष तौर से काम करना चाहिए और सिर्फ मस्तिष्क के आधार पर नहीं। उनकी क्या संवैधानिक स्थितियाँ हैं, समाज में क्या परेशानियाँ हैं, कैसी सामाजिक चुनौतियाँ हैं, उनके बारे में शिवा जी ने बहुत विस्तार से बताया। मैं सिर्फ यह

निवेदन करना चाहूँगा कि कानूनी पक्ष तो हम देखें, इस समस्या को मानवीय पक्ष से भी यह देश देखे। कानूनी पक्ष, कानूनी प्रावधान जरूरी हैं, इसके लिए बोर्डर्स बनें, पर साथ ही ऐसे लोगों के बारे में हमारे सोचने का तौर-तरीका बदले।

मैं एक छोटा प्रसंग कह कर इस पर अपनी बात रखना चाहूँगा। सुधा मूर्ति माननीय नारायणमूर्ति की पत्नी हैं और वे एक बहुत अच्छी लेखिका हैं। हाल में मैंने उनकी एक पुस्तक पढ़ी, जिसे उन्होंने पेंग्विन से संकलित किया है। उसमें इस देश के सामान्य लोगों की कथा है, जिन्होंने अपनी वीरता से, पुरुषार्थ से, अपने नए कर्म से समाज में एक नया विश्वास पैदा किया है। मैं पात्र का नाम नहीं ले रहा, जगह का नाम नहीं ले रहा, पर सच्ची कहानी का विवरण आपके सामने रखना चाहता हूँ और अपने दिल की बात आपके माध्यम से सरकार तक पहुँचाना चाहता हूँ। हमारे नए युग के एक दम्पति की कहानी है। एक युवा अपनी माँ की इच्छा के विपरीत एक अलग धर्म या अलग प्रदेश की लड़की से शादी करता है। फिर दोनों साथ रहते हैं, उसकी माँ बहुत नाराजगी के बाद उस घर में आती है, पर देखती है कि दोनों तो लगातार काम करने जाते हैं। घर में एक बच्चा है, जिसकी देखरेख के लिए कोई नहीं है। वे उसे मेड सर्वेंट के जिम्मे छोड़ कर जाते हैं। मेड सर्वेंट भी नहीं मिलती। अंततः परेशान होकर वे तय करते हैं कि घर में कैसे काम आगे बढ़े। एक दिन दरवाजे पर एक व्यक्ति आकर दरवाजा खटखटाता है और कहता है कि आपकी बिल्डिंग की सुरक्षा के जो लोग हैं, उनसे हमें सूचना मिली है कि आपके यहाँ कोई मेड सर्वेंट की जगह खाली है, वे लगातार आकर जा रही हैं।

(3एच/एससीएच पर जारी)