



### WHY WE ARE PROTESTING?

**The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018**  
IS AGAINST THE DIGNITY, BODILY INTEGRITY & FUNDAMENTAL HUMAN RIGHTS OF TRANS,  
INTERSEX & GENDER NON CONFORMING INDIANS

### WHY WE ARE AGAINST THIS BILL?

#### NO CONSULTATIONS WERE HELD WITH US

None of our networks or NGOs have been consulted for recommendations to this bill.

#### CRIMINALISATION OF BEGGING, A TRADITIONAL LIVELIHOOD PRACTISE OF TRANSWOMEN

The Bill criminalizes punishments for trafficking for begging with a minimum of 10 years of rigorous imprisonment, upto life imprisonment, and with a penalty of not less than Rs.1 lakh fine. This will severely effect our traditional livelihoods of badhai, mangti, practises that have developed over the ages by our communities and despite the institutionalised discrimination and exclusion from mainstream social institutions that give structural access to education, employment, formation of family, health and other services. The Bill should instead make a distinction between coerced labour and the limited choices made by transgender people to engage in begging as a form of livelihood, given the barriers to all other employment options

#### CRIMINALISATION OF HORMONE ADMINISTRATION

Criminalising the administration of hormones to a person for the purpose of early sexual maturity can risk the lives of many trans people, if brought under this provision. A deeper understanding of this is required and instead provisions should be made for safe medical options that can help gain access to medical practitioners.

#### CRIMINALISATION OF HIJRA HOMES

A punishment of upto Rs one lakh and five years of imprisonment for managing, or up to three years of imprisonment for living in a space deemed to be a place for trafficking persons, will jeopardize many of us who run away from our natal homes in order to live life by our self-determined gender.

## CRIMINALISATION OF EXISTING ID-DOCUMENTATION

Many of us have come under the scanner when our biological sex does not match the name and gender on our ID documents, due to the mainstream idea of gender being binary, ie either male, or female. As a result the provision in the bill that proposes '*Punishment for promoting or facilitating or committing fraud for procuring or producing, printing, issuing or distributing unissued, tampered or fake certificates, or committing fraud for procuring or facilitating the acquisition of clearances and necessary documents from Government agencies*' needs to be expanded in order to take into account the lived realities of trans, intersex and gender non conforming persons.

## POLICE IMPUNITY

It is anybody's guess how the provisions of this Bill will be used by the Police. The trauma that trans, intersex and gender nonconforming people have historically faced at the hand of law makers and law implementers is going to continue. The impunity of these organs of the State will continue to cause us severe physical and emotional damage and harm to our limited material resources, especially given that the Government has failed to provide us the basic minimum guarantees of food, clothing and shelter. In addition, it is well known that there are no structural provisions where neither rehabilitation centres nor prisons are to mandatorily provide separate and safe trans spaces and access to persons trained in gender affirming procedures.

## WHY THE NIA?!

Are we a national security threat?! Why then involve the National Investigation Agency [NIA] to perform the task of Anti-Trafficking at the national level and Under the Ministry of Home Affairs ?!

## WHO ARE WE?

**TRANSGENDER PERSON** is one who has a strong physical and/or cognitive discomfort with the gender which is socially, legally and medically unambiguously assigned to their bodies at birth. Persons who don't identify as transgender are cisgender.

**INTERSEX PERSON** is one whose body does not conform to medical, legal and social categories of male and female. These variations can be anatomical, chromosomal, hormonal etc. Some intersex persons are uncomfortable with the gender they are assigned, in which case they may be transgender and intersex; but if not, they can be cisgender and intersex.

**HIJRA PERSON** is one who belongs to the Hijra community, which is a sociocultural group whereby some members of the transgender and intersex communities formally enter a traditional system of co-existence. They may take on different identities and names in various local languages: 'Kinnar' in Hindi, 'Tirunagai' in Tamil, 'Aravani' in Tamil, 'Mangalamukhi' in Kannada. Some Kinnars may identify as Triteeya prakriti or third gender while others do not.

**TRANSGENDER WOMAN** is one who is a transgender person and identifies as a women, regardless of how they present themselves. Some transgender women are also hijra identified while others are not.

**TRANSGENDER MAN** is one who is a transgender person and identifies as a man, regardless of how they present themselves. In Tamil Nadu some transmen may also identify as 'Thirunambi'.

**SHIVASHAKTIS, JOGTAS/JOGAPPAS** are culturally specific groups who are socially permitted a feminine gender expression in the context of specific religious roles.

**GENDER QUEER/GENDER NON BINARY/GENDER FLUID/AGENDER/**

**INTERGENDER** are persons who do not identify within the gender binary and may have a variety of gender identities including but not limited to the categories mentioned above.

## ISSUED BY

**ALL INDIA COALITION AGAINST THE TRANSGENDER & ANTI TRAFFICKING BILLS, 2018**

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