

Modi's India: A Shared Agenda Behind The Trans Rights Act & Citizenship Amendment Bill?

Thursday 26 December 2019, by [MEHRA Meghna](#), [SHARMA Ditilekha](#) (Date first published: 12 December 2019).

The Transgender Persons (Protection of Rights) Bill 2019 and Citizenship (Amendment) Bill, 2019. These two legislations, which have been bought into Parliament this Winter Session, are rarely spoken of in the same breath. But they should be. Both these Bills have been adopted by the Parliament amidst mass protests around them. However the similarities do not end here.

Firstly, the Government of India claims that both the Bills are for ensuring citizenship rights for minority communities. Both of them, however, do the exact opposite.

The Transgender Rights Bill, among the many other problems that it creates for transgender persons, denies them the Right to Self Determination of their own Gender. In order to identify as Man or Woman, it mandates the need for a certificate from a Medical Official. On the basis of correctness of this by the District Magistrate, a certificate of gender will be issued to transgender persons. This means that transgender persons can no longer be legal witnesses for themselves with regard to their gender.

The Citizenship Amendment Bill has been amended to give Indian citizenship to illegal migrants who are Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh, and Pakistan, who entered India on or before December 31, 2014. However, the communal agenda of the Bills gets clearly reflected in its exclusion of Muslims.

Secondly, both the Bills manage to pit different marginalized communities against each other. The Transgender Bill creates the narrative of people identifying as 'fake transgender' and taking over the limited benefits allotted to transgender people who need it. It makes certain transgender people, who have been marginalized for years, wary of the idea of self determination of gender.

The Citizenship Bill has been posed as the savior for religious minorities who have fled religious persecution from neighboring countries, many of whom may also belong to marginalized classes and castes. However, the Bill has to be understood along with a history of the Assam Accord [1] and the current implementation of the National Register of Citizens (NRC). For instance the Bill claims that thousands of people from the Namashudra community, who had left Bangladesh and are living in parts of West Bengal, Tripura, and Assam as agricultural labourers, will get citizenship in India. However, the Bill completely violates the tenants of the Assam Accord which was signed with the Government after decades of struggle and protests by indigenous communities. The same communities who had to bear the socio-economic burden of unaccountable immigration over a porous border. This has led to conflicts between landless agricultural labours and indigenous groups trying to protect their land and resources.

Also read: Beyond Hue And Cry: What Everyone Should Know About NRC

Thirdly, both the Bills want to identify and maintain the purity of family and blood ties. The Transgender Bill has been criticized constantly for pushing transgender people back into natal families who (often) are violent to them. The Bill which has become a law does it further by allowing transgender people to only change their first names, thereby forcing people to retain their last or family names. The Citizenship Amendment Bill also takes forward the agenda of the NRC which identified individuals by their bloodlines. The Citizenship Amendment Bill will now provide people citizenship status through their blood ties and religious affinity.

The final point I want to make is of Rehabilitation Centers [2] and how both the Bills lean towards it. The Transgender Bill clearly mentions that those whose family cannot take care of them will be put into rehabilitation centers. While the Citizenship Amendment Bill doesn't make direct reference to rehabilitation centers, the NRC which was updated in Assam and National Population Register (NPR) which will be implemented in the rest of the country will lead to the identification of lakhs of people who may not have the documents to prove themselves as citizens. Where will these people be sent, but to rehabilitation centers? There have been several instances across the world of how people in rehabilitation centers have been used as unpaid/bonded labourers by the State [3].

Thus, the Bills are a reflection of how the Government has been forwarding their Brahminical and feudal agenda of making bonded labourers out of marginalized groups and maintaining their hegemony through divisive techniques.

Thousands of transgender people have been rendered without citizenship through the NRC, several other have been enlisted by their dead names and do not know how it will impact them and then there are others like me are scared to change our gender identity under the circumstances because of the uncertainty of our citizenship status. One way out of this is that different groups which have been historically marginalized have to create dialogue with each other to see possibilities of solidarity. We can no longer afford to fight issues in isolation.

Ditilekha Sharma

•

<https://www.youthkiawaaz.com/2019/12/transgender-persons-bill-2019-and-citizenship-amendment-bill-2019-is-there-a-similarity/>

Here's Why The Transgender Act Is A Disaster For The Trans Community

The Trans Bill extends to the whole of India, and it is causing confusion and fear among members of the trans community.

Despite protests and struggles of the community, TG Bill has become The Transgender Persons Protection Of Rights Act, 2019. The Act has many problems that remain the same. Chapter II of the Act-Prohibition Against Discrimination completely ignores the day to day harassment, that people of the Hijra community face. It also forgets to mention harassment by family members, gurus, and people close to trans persons, like spouses.

Chapter - III still has a controversial method to register themselves as transgender to a district

magistrate. Transpersons need to get a “certificate” issued by the district magistrate. In the case of minors, it mentions that parents can apply for the same. It is not a hidden fact that most of the parents are not supportive of their children. And if any other gender does not need a certificate, then why does this special idea come for the trans community? There is no mention of documents required to provide to the magistrate, the procedure and eligibility to apply for a certificate either. The additional condition of updating the magistrate about the surgery is dehumanising.

Coming to Chapter-IV, welfare measures; there are no defined welfare measures guaranteed by the government. The Right to Education, Employment, Marriage Registration, etc., for trans community [4], seems an alien concept to them.

The draconian method of not separating trans children from their biological family is defined in the act. Creating a setback for social workers, and activists, who rescue trans, intersex and queer children from abusive parents. Forcing trans individuals to live with their parents is a huge loss for trans rights.

The establishment of the National Council for Transgender Persons lacks acknowledgement of the existence of gender-queer, gender non-binary, intersex persons. The eight-page long Act forgets to address basic issues of the working-class trans community and forgets to provide basic protection against sexual harassment to all trans individuals. As far as the ‘elite’ persons of the community are concerned, they are also being discriminated against, as the Act asks the entire community to provide evidence of their gender identity.

Also read: The Trans Bill, Now An Act, Is A Socially Biased Legislation

The Act is also a key player in the erasure of other varied identities which have different gender identifications and face discrimination.

The Bill forgets the following:

1. Measures against discrimination within the family.
2. Measures against discrimination in housing.
3. Bullying in educational institutions.
4. Punishment against discrimination.
5. Punishment against sexual harassment.
6. Punishment against the physical assault of the trans community which is a common occurrence.

The Act was passed in a hurry and speaks volumes about the lack of concern when it comes to trans rights.

Meghna Mehra

- <https://www.youthkiawaaz.com/2019/12/tg-bill-became-an-act-and-it-is-a-disaster-for-trans-rights/>
-

Footnotes

- [1] <https://assamaccord.assam.gov.in/portlets/assam-accord-and-its-clauses>
- [2] http://timesofindia.indiatimes.com/articleshow/67181808.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst
- [3] <https://www.revealnews.org/article/top-arkansas-politician-uses-labor-from-rehab-work-camp/>
- [4] <https://www.youthkiawaaz.com/2019/12/why-the-transgender-community-is-up-against-the-transgender-persons-bill-2019/>