

Sex Work is Dignified Work



To,

Date: 28th November 2019

Shri. Ram Nath Kovind ji,
Honorable President of India,
Raj Bhawan, New Delhi.

Subject: Urge you not to sign the Transgender Persons (Protection of Rights) Bill, 2019.

Hon'ble Shri Kovind ji,

We are writing to you to urge you not to sign the Transgender Persons (Protection of Rights) Bill, 2019. We are from the National Network of Sex Workers (NNSW) a network of sex worker-led organisations and allies committed to promoting the Rights of Sex Workers in India. NNSW consists of 12 CBOs/ State Networks/ State Federations/ Collectives and 8 NGOs across eight states. With a strength of over 100,000 members, it is a national network that brings together female, transgender and male sex workers, NGOs and sex work (er) rights activists.

The Transgender Persons (Protection of Rights) Bill 2019 has been passed by both Houses of Parliament amidst strong protests and resistance from the Transgender community, the very people whose rights this bill claims to protect. Some of the issues in the Bill that the community is deeply concerned about,

1. The issue of self-identification of gender - why do transgender persons have to certify their transgender identity before a magistrate when the 2014 NALSA judgement of the Hon'ble Supreme Court, clearly grants us the right to self-identification. The bill seems to be violating the spirit of the NALSA judgment on right to self- identification of gender. Large scale consultations must be held with community to arrive at a mechanism that complies with the principle of right to self- identification and also ensures that the benefits meant for transgender people are not taken away by cis gender people.
2. The issue of name change which only covers the change of the first name - is this a way to preserve the casteist practice of the last name denoting a person's caste?

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3. Intersex and Transgender wrongly conflated in this bill. Intersex people are individuals born with any of several variations in sex characteristics including chromosomes, gonads, sex hormones, or genitals that, according to the UN Office of the High Commissioner for Human Rights, "do not fit the typical definitions for male or female bodies". Transgender is relating to a person whose sense of personal identity and gender does not correspond with their birth sex. These are two vastly separate constructs which have been conflated in the current Bill, thereby harming communities already on the margins.

4. Complete silence on issues of reservation and affirmative action – as spelt out clearly in the NALSA judgement.

5. Added to these are the problematic ways in which rehabilitation and the disparity between the punishment for sexual harassment of trans people vs cis-women have been addressed.

Shri Kovind ji, signing this act would be a gross violation of your duty as a representative of Us, the marginalized communities and as the Head of State. We urge you to hear our voices of concern and refer the Bill back to the Rajya Sabha, from where it should go to a Select Committee, who will consult with us about the amendments we seek and need.

Regards and in hope,

Kiran Deshmukh - President

Nisha Gulur - Vice President, Karnataka

P Devi – General Secretary, Andhra Pradesh

Shyamala John - Joint Secretary, Kerala

Sudhir Patil – Treasurer, Maharashtra

Seema Sharma – Member, Maharashtra

Gokila, Member, Tamil Nadu

Reena Khan, Maharashtra

Lalitha Satheesan, Kerala

Lalita Kumari, Jharkhand