

# India and Pakistan Need to Move Beyond Symbolism When it Comes to Trans Rights

Friday 17 August 2018, by [PAL Sumedha](#) (Date first published: 7 August 2018).

**On July 30, union minister for women and child development Maneka Gandhi offered an ‘apology’ for using the term “other ones” while referring to transgender persons in the nation.**

After having sniggered, nervously chuckled and dehumanised the community, the minister [stated](#) that she was embarrassed by her “own lack of knowledge”.

In addition to her reaction, [other parliamentarians thumped and laughed](#) in parliament while discussing the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill.

Around the same time, on July 29, Alka Lamba, member of the Delhi Legislative Assembly representing the Aam Aadmi Party, [tweeted](#) a critique of a prominent politician. In this tweet, she referred to transgender persons in a very disparaging manner. She stated that even the “middle ones don’t clap as much” as said politician does.

Both these instances only serve to highlight our need to question the ways we discuss trans rights and electoral politics.

The same question is coming up across the border, in Pakistan as well. While the world is still reacting to the electoral verdict in Pakistan, the same set of elections led to massive pushback against Pakistan’s trans community. Trans voters [were blocked](#) from multiple polling stations and not allowed to cast their votes. However, the country saw some historic steps right before the elections. This year, [13 transgender candidates](#) filed papers to contest elections in Pakistan. However, due to a lack of funds, only five of them ended up contesting. And in the first move of its kind, Pakistan’s election commission hired trans observers to oversee the voting process.

The contrast between these developments in the same country shows the important questions and systemic loopholes that have gone unaddressed when it comes to inclusiveness in politics.

[Trends](#) across the world show that a lack of trans leaders feeds into abysmal electoral representation for the community. In such a scenario, it’s more important than ever for our political class to be cognisant of their language and the discourse they perpetuate.

The aforementioned instances, from mockery to the violation of political rights, go to show a dangerous ongoing pattern of dehumanising trans individuals and reinforcing their “otherness”.

This forced invisibility of trans representatives in electoral politics is neither new nor limited to India and Pakistan. Yet it is important to bring this negligible representation to notice and actively critique the stigmatisation of the community. While there have been multiple instances where transgender persons have stood for, and occasionally even won public offices, in different states, their journeys have been far from easy – and are testimony to the enormous, disproportional effort it

takes to even participate in electoral politics.

Arguably, trans representation in pop culture has [changed dramatically](#) over the last five years – from Laverne Fox in *Orange is the New Black* to Caitlyn Jenner on the cover of *Vanity Fair* – but the changes are largely restricted to elitist circles and Netflix screens. When it comes to the question of on-ground representation, the community has faced administrative hassles ranging from not having sufficient identity documentation, to outright rejection.

[India's 2016 Trans Bill faced backlash](#) for being a token attempt towards progressive policymaking. The bill failed to include a basic understanding of what it means to be trans. The bill made the reductionist assumption that all intersex people are trans. Additionally, it was heavily criticised for overlooking the [NALSA judgement](#).

Commenting on this, activist Meera Sanghamitra of the National Alliance for People's Movements and Telangana Hijra Intersex Samiti stated, "The diverse transgender community struggles with questions of access to education, employment, livelihoods with dignity, which needs to be addressed by strictly implementing the judgement of the Supreme Court in NALSA versus UoI, 2014. The 2014 version of the bill in India was in stark contrast to its present form, giving transpersons the right to assert their identity. This version was passed in the upper house however, was never debated in the Lok Sabha, the lower house of the Indian parliament."

[Statistics released](#) in 2017 by the Election Commission of India showed that a negligible 4% of the trans community is enrolled on the voter list.

She added, "Despite 70 years of political independence, representation of the transgender community whether as voters or as contestants has never been a matter of concern, let alone a priority, for any of the political parties and that is a matter of utter shame for our democracy."

In Pakistan, after large scale violence and discrimination, its Supreme Court finally recognised the [rights of the trans community](#) in 2009. After this, attempts were made to initiate the legislative process. A draft bill was discussed in 2017, similar to the Indian draft of 2016, but could not take off due to loopholes.

A [landmark bill which](#) passed in 2018 after several rounds of changes and feedback, has been seen as a welcome step. It simplifies administrative processes, enabling easier access to identity cards, passports and driving licences – the very things that guarantee an individual access to a state's resources. The biggest step forward so far, has been the dissolution of a committee which was appointed to identify a person's sex or gender, severely impacting a person's right to self-identity.

Hopefully, these symbolic attempts in both countries have paved the way for solution-based discussions, for effective participation for the community.

In suggesting future directions for India, [Sanghamitra says](#), "It is also high time this country passes legislation akin to Scheduled Castes and Scheduled Tribe (Prevention of Atrocities Act), 1989, that would address & punish all forms of humiliation, discrimination, exploitation & violence on transgender persons & grant necessary protection, redress to transgender persons."

Concerns for adequate representation have also triggered a movement demanding better engagement opportunities to facilitate communication between the community and the government. Specific steps have been suggested, such as involving trans people in the election commission's voter enrolment process.

There are various measures that can be taken to tackle institutional and societal exclusion – Fair and

unbiased representation in the media is just one such step. Enabling easy access to identification documents, education, health and livelihood without discrimination would go a long way in ensuring equality.

The [flak](#) Gandhi received for her comments was a small victory for the community.

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