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Title: Observation regarding Rights of Transgender Persons Bill, 2018.

HON. DEPUTY SPEAKER: Hon. Members, now items no. 174 that is about the Rights of Transgender Persons Bill, 2014, was passed by Rajya Sabha. In this regard, I may inform that a Government Bill, namely, the Transgender Persons(Protection of Rights) Bill, 2018 was passed by this House on 17th December, 2018.

As per sub-rule(2) of rule 112, a Bill pending before Lok Sabha shall be removed from the Register of Pending Bills in case a substantially identical Bill is passed by the House. Bill introduced in and passed by Rajya Sabha and laid on the Table of Lok Sabha falls within the definition of pending Bill. However, this definition is silent with respect to cases where Bill from Rajya Sabha after being laid on the Table of Lok Sabha is under discussion by Lok Sabha. In the past, Private Members' Bills introduced and pending in Lok Sabha have been removed from the Register of Pending Bills if their objective was achieved consequent upon passing of Government Bills.

There appears to be no past precedent as to the course of action to be followed with respect to a Private Member Bill passed by Rajya Sabha and under discussion in Lok Sabha, if a Government Bill on the same subject is passed by Lok Sabha.

As the Bill is part-discussed in Lok Sabha, the Lok Sabha alone can decide on the course of action to be followed with respect to this

Bill. I am of the opinion that we should not further proceed with this Private Member Bill, as passed by Rajya Sabha in view of the provision laid down in sub-rule(2) of rule 112 read with third part of the explanation thereto. Therefore, if the House agrees, the Bill may be removed from the Register of Pending Bills as its object has been achieved with the passing of the Government Bill on the same subject.

SHRI N.K. PREMACHANDRAN (KOLLAM): Sir, I fully abide by the observations of the Hon. Deputy Speaker regarding Rule 112 clause 2 of the Rules of Procedure and Conduct of Business.

Sir, it is a historic day because this is the first time in the history of Indian Parliament that a Bill which has been passed by the Rajya Sabha and transmitted to the House of People and is partly discussed and subsequently a Government bill has been passed. So, that is why the hon. Deputy-Speaker has made an observation that 112 (2) is a bar in further discussion of the Bill.

I do concede and abide by the ruling / observation of the hon. Deputy-Speaker, but at the same time I would like to express my observation regarding this Rule also. At various times, I myself have quoted this Rule in the House regarding 'substantially identical Bills'.

Sir, you may kindly see Rule 112 (2), which states that :

“A Bill pending before the House shall also be removed from the Register of Bills pending in the House in case a Bill

substantially identical is passed by the House or the Bill is withdrawn under rule 110.”

Here, the pertinent fact to be noted is ‘a substantially identical Bill’. If it is so, then it will be removed from the Register of Bills, and even the Lok Sabha Secretariat can very well do it. This is the well-established and accepted position here. In the Explanation clause (3) also it is stated that :

“a Bill originating in the Council and transmitted to the House and laid on the Table under rule 114 or 122; and”

Here, the unique incident that has happened in this House is that the Bill has been transmitted; it has been laid on the Table of the House; and it has been partly discussed. This is the latest position. So, a new precedent has to be created by virtue of the decision of the hon. Deputy-Speaker.

The only point that I would like to substantiate is this. I did not take part in the discussion of the Bill. Mr. Panda, who has actually moved this Bill, has resigned from the office of the Member of Parliament. Hence, I got the opportunity to finally move the Bill for passing. So, the point that I would like to state is regarding the ‘identical Bill’.

I am only quoting the salient features of the Bill, which has been passed by Rajya Sabha. Firstly, a National and State-level Commission for transgender persons to perform the powers conferred upon them and assigned to the Commission. So, a National-level and State-level

Commission will be constituted as per the Bill. I am only mentioning the salient features just to distinguish between the two Bills, and I am not going into the merits of the Bill.

The second salient feature is transgender rights courts. This was the Bill, which was passed by Rajya Sabha, which mentions that for speedy disposal of cases of transgender persons in each sub-Division, each District, and each city with a population of more than 10 lakh special courts will be constituted.

The other salient features are reservation in primary schools; reservation in employment; social security in healthcare; skill development and employment; and protect the Right to Education. Above all this, the original Bill, that was passed by Rajya Sabha, is giving a social, political and legal recognition to the most disempowered and deprived groups in our country. This is why this Bill has been moved, and it has been passed.

So, my submission is that this is not a 'substantially identical' Bill. The Government passed the Bill, which is not fully serving the purpose. I fully appreciate the Government's stand that at least a law has been made by the Parliament, but it is not fully serving the purpose. It is not 'substantially identical' Bill, which has been passed by Rajya Sabha. This is the observation that I would like to make here. Thank you, Sir.

HON. DEPUTY SPEAKER: Anyhow, the objective and everything is the same.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT

AND GANGA REJUVENATION (SHRI ARJUN RAM MEGHWAL):
Sir, hon. Minister, Shri Thaawar Chand Gehlot, wants to say something on this particular issue. ...(*Interruptions*) Actually, it is an identical Bill and passed by this House. ...(*Interruptions*)

HON. DEPUTY SPEAKER: It is because the objective has been passed by the House.

... (*Interruptions*)

HON. DEPUTY SPEAKER: Hon. Minister, do you want to say something on this issue?

... (*Interruptions*)

सामाजिक न्याय और अधिकारिता मंत्री (श्री थावर चंद गहलोत) : उपाध्यक्ष महोदय, जैसा आपने अपने वक्तव्य में उल्लेख किया है कि राज्य सभा से जो उभयलिंगी व्यक्ति अधिकारों का संरक्षण विधेयक पास होकर यहां पर आया था, लोक सभा ने 17 दिसंबर को उसी आशय का एक सरकारी विधेयक इसी सदन ने पारित किया है। उस पर खूब चर्चा हो चुकी है। राज्य सभा से जो विधेयक पारित होकर आया था, वह अब अप्रासंगिक हो गया है क्योंकि जिन उद्देश्यों को लेकर यहां से बिल पास होकर यहां आया था, उन्हीं उद्देश्यों को लेकर इस सदन ने भी शासन का जो विधेयक था, उसको पारित कर दिया है।

इसलिए अब उस विधेयक को चर्चा में लेना या उस पर निर्णय करने की आवश्यकता नहीं है। मैं सोचता हूँ कि सदन इससे सहमत हो तो अच्छा है।

HON. DEPUTY SPEAKER: If the House agrees, the Bill may be removed from the register of Bills.

SEVERAL HON. MEMBERS: Yes.

