



Local Government Quarterly

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A Journal of the

- * Understanding Neurodiversity:
Embracing the Untapped Pool of Talent in
Workplace
- * History and Evaluation of State
Reorganization Commissions in India
- * Augmenting Urban Infrastructure
Financing by Possible Elimination of
Roadblocks
- * Transgender Persons in Urban India:
Issues and Challenges

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Transgender Persons in Urban India: Issues and Challenges

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Abstract

Whenever we think of transgender persons, we often picture a person in our mind standing at traffic lights or in a wedding or on the occasion of child birth or in a train asking for money. The official count of the transgender population as per Census 2011 is 4.9 lakh but it is estimated that the numbers are six to seven times higher. Living as transgender is an act of great bravery in Indian society because they are constantly striving to maintain their existence in the society by breaking the prevailing perception in the narrow mindedness of people. They face many problems from the first day when they face gender dysphoria till that day when they start accepting themselves. They are deprived of various fundamental and constitutional rights even living with urbanites.

The Transgender Persons (Protection of Rights) Act, 2019 is a

revolutionary public policy effort for the holistic development of these communities. The aim of this conceptual paper is to throw light on the various kinds of issues faced by the transgender in Indian Society and some suggestions to sensitize the society on this issue and to reduce discrimination about them in the society. It would help transgender persons by including in the mainstream of society and actualizing their potential and skills.

Key words- Transgender persons, third sex, census of transgender, LGBT, Issues of transgenders.

Nature chooses who will be transgender; individuals don't choose this.

-Mercedes Ruehl

Transgender is an umbrella term which is used to describe the

community of LGBT(Lesbian, Gay, Bisexual and Transgender) people who have different sex orientation. Traditionally and popularly known as *Hijara* or eunuch - community is the major part of the entire trans genders or queer community across the globe. In India and nearby countries this community is also known as '*Jogta*', '*Aravani*', '*Jogappa*', '*Pavaiya*', '*Khadra*', '*Chhakka*', '*Khwaja Sira*', and '*Khasua*' etc. However, this community prefers to call them '*Kinner*'. The Government of India has adopted the term 'transgender' or **third gender** for this community and defined it, in 'The Transgender Persons (Protection of Rights) Act, 2019' as- "a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as *kinner*, *hijra*, *aravani* and *jogta*". Prior to this, the apex court of India took an initiative to recognize the identity of this community. In April 2014, Justice KS Radhakrishnan declared transgender to be the third gender in Indian law in 'National Legal Services Authority (NALSA) v/s Union of India case'. The ruling of the court said that – "Seldom, our society

realizes or cares to realize the trauma, agony and pain which the members of Transgender community undergo, nor appreciates the innate feelings of the members of the Transgender community, especially of those whose mind and body disown their biological sex. Our society often ridicules and abuses the Transgender community and in public places like railway stations, bus stands, schools, workplaces, malls, theatres, hospitals, they are sidelined and treated as untouchables, forgetting the fact that the moral failure lies in the society's unwillingness to contain or embrace different gender identities and expressions, a mindset which we have to change".

It is estimated that about 700 million people around the world are included in this community while there are 2.5 million *kinners* or transgender people are in India. However the Census-2011 of India shows only 4,87,803 people in this category and the reason behind this anomaly is that only in 2011 the Census format contained a column as 'other' after male/female, filled by enumerators, but most of *kinners* treat themselves as female. That is why they have social relations in their community as *mausi*, *jiji*, *bua*, *habhi*, *bhatiji*, *dadi* etc.

Homosexuality has been an important and burning issue for transgender community in India

Population of Transgenders in India (Census-2011)

(As reported in 'other' sex category)

| S.N. | State/UT | Population |
|------|--------------------|-----------------|
| 1. | Andaman Nicobar | 47 |
| 2. | Andhra Pradesh | 43,769 |
| 3. | Arunachal Pradesh | 495 |
| 4. | Assam | 11,374 |
| 5. | Bihar | 40,827 |
| 6. | Chandigarh | 142 |
| 7. | Chhattisgarh | 6,591 |
| 8. | Dadra Nagar Haveli | 43 |
| 9. | Daman and Diu | 59 |
| 10. | Goa | 398 |
| 11. | Gujarat | 11,544 |
| 12. | Haryana | 8,422 |
| 13. | Himachal Pradesh | 2,051 |
| 14. | Jammu-Kashmir | 4,137 |
| 15. | Jharkhand | 13,463 |
| 16. | Karnataka | 20,266 |
| 17. | Kerala | 3,902 |
| 18. | Lakshadweep | 02 |
| 19. | Madhya Pradesh | 29,597 |
| 20. | Maharashtra | 40,891 |
| 21. | Manipur | 1,343 |
| 22. | Meghalaya | 627 |
| 23. | Mizoram | 166 |
| 24. | Nagaland | 398 |
| 25. | NCT of Delhi | 4,213 |
| 26. | Odisha | 20,332 |
| 27. | Puducherry | 252 |
| 28. | Punjab | 10,243 |
| 29. | Rajasthan | 16,517 |
| 30. | Sikkim | 126 |
| 31. | Tamil Nadu | 22,364 |
| 32. | Tripura | 833 |
| 33. | Uttar Pradesh | 1,37,465 |
| 34. | Uttarakhand | 4,555 |
| 35. | West Bengal | 30,349 |
| | Grand Total | 4,87,803 |

because Section-377 of the Indian Penal Code, 1860 makes the provision that- 'Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.' This section of IPC has been challenged in court of law many times with the argument that this provision violates the freedom and privacy of an individual. In 2009, The Delhi High Court said that homosexuality is not an offence, however, the Supreme Court turned the verdict of Delhi High Court and the decision of apex court became an issue of open debate and criticism. On 24 August 2017, the Country's Supreme Court gave the LGBT community the freedom to safely express their sexual orientation. Therefore, an individual's sexual orientation is protected under the country's Right to Privacy law. However, the Supreme Court did not directly overturn any laws criminalizing same-sex relationships. On 6 September 2018, consensual gay sex was legalized by India's Supreme Court. The main problem of homosexuality is now related with fast and mass level spread of HIV infection.

Undoubtedly, the community of these LGBT people has been existing since the ages. However, they have started raising their voice in the present millennium effectively. Although the

eunuch community has started making their unions or associations as pressure or interest groups in 1990s, their demands got attention of government and public during the Conference held at Banaras in 2002. However, in 1994, on the demand of 'All India Hijra Kalyan Sabha', the central government allowed the community to decide their own gender on voter id card and the Election Commission of India made the provision of 'other' in gender section of voter list but this community mostly chose the 'female' on voter list and this movement ultimately led to obtaining the support of the country when Shabnam Mausi got elected as an MLA (Sohagpur constituency) in Madhya Pradesh State Assembly in 1999 on the banner of her newly made party- *Jeeti- Jitayee* Politics. It is important to mention here that till January, 2012 only 11601 transgender people selected or got voter ID card under 'other' category. The *kinnar akhaada* under the leadership (*mahamandleshwar*) of transgender- activist Laxminarayan Tripathi got entry in kumbh held at Prayagraj in 2019 and she has also been representative in UN from Asia-Pacific region in 2008. In the year 2019 the Government of India issued a stamp ticket on this community.

The waves of globalization and information and communication technology have intensively affected almost every aspect of society,

economy and polity and obviously, the transgender community also underwent experienced reforms and remarkable change in societal attitude towards these groups. The Union Ministry of Social Justice and Empowerment constituted an 'Expert Committee on the Issues Relating to Transgender Persons' in 2013 and after the report of this committee earmarked amount was made available for welfare and empowerment of transgender. The verdict by the apex court of the country in 2014 (NALSA v/s Union of India) opened the doors of legal remedies and public policy inputs for holistic development of these communities. In the same year a private bill was introduced in the Parliament by Tiruchi Siva of DMK party for the protection of the rights of transgender and the same was passed by Rajya Sabha in 2015 and after many ups and downs and modifications a new bill was passed by the Parliament in 2019 namely- "The Transgender Persons (Protection of Rights) Act, 2019" which has been enforced from January 10, 2020.

The Transgender Persons (Protection of Rights) Act, 2019 makes the provisions of prohibition of discrimination, recognition of identity of transgender persons, issuance of a special certificate of identity by the District Collector, participation and inclusion in societal activities, non-discrimination in employment, equality in social behavior, grievance redressal

mechanism, inclusive education, vocational, training, self-employment, health care facilities, offences and penalties and establishment of a National Council for Transgender Persons, etc.

Social Issues faced by Transgender Persons

In society many campaigns and awareness programs are conducted by many social activists related to the transgender persons but even today they face many issues among the general (so called normal) urban population.

The main social issues faced by the transgender persons are:

Health - Transgender people face many health problems because of the lack of primary health care, like HIV Aids. They are more prone to substance abuse which may cause many physical illnesses.

Low economic status and livelihood crisis - As there is so much discrimination in the society, they face significant financial problems. They have no stable income and many of them are homeless striving for their basic needs. It is very important to accept clearly that transgender persons do not belong to any caste in India while livelihood sources or trades are directly related with castes (so called 36 quoms). They do not possess any

land and also do not know any traditional or vocational skill to earn bread (forget butter).

Safety - Transgender people face many safety issues including physical violence, and also lack in many aspects of the safety. Physical assault is the main issue of concern.

Stigma and Discrimination - the attitude of the Indian society towards the transgender is stigmatized and one of discrimination. People in society do not consider transgender equivalent to them. Society considers them as socially deviant, sex predator and mentally unstable.

Legal Rights - They are deprived of fundamental and constitutional rights.

Psychological Issues

Transgender fights with the external world and with his internal world. Transgender person faces a lot of problems in society, such as discrimination, identity crisis, unemployment; sometimes they are homeless with no medical facility and face so many more problems of physical diseases and well as mental health problems.

Here an attempt has been made to understand some major psychological issues faced by the transgender during their life time.

Low Self Esteem

They struggle with their own identity; it becomes so difficult for them that when they initially begin to realize that they are not like normal people (which according to society it should be a male or female), then the situation of living alone arises in them, they try to isolate themselves from their family, parents, and society.

When the child does not behave as per his or her gender, then the family members and also the parents do not accept him. He faces many complexes, feelings of insecurities and guilt which lead to the identity crisis. They face dilemma about their identity. In this stage when the child realizes some physiological deviations in him, he starts fighting with himself, trying to gain self-identity and accommodating in so called standard/normal society. In this he faces severe anxiety as he knows that it will be very difficult for the family to accept him like that. And then when his fights end with himself, the fight starts with the family. Many times parents scold children and throw them out of the house. Parents feel that the child is a shame to their family and they think their prestige has become questionable when their child turns out to be transgender. They also insist or pressurize a child to drop out of school or they don't allow them to meet anyone. This is an unimaginable trauma and can destroy the self-esteem of a

child which in result can lead to distorted self-concept and low self-confidence. Ettner (1999) stresses the devastating effect of shame on the development of a positive identity. Schaefer and Wheeler (2004) identified guilt as underlying a host of psychological problems facing the gender-variant individual. Parental rejection leads to low self-esteem and negative self-image (Bolin, 1988).

Psychological Distress

The above-mentioned reasons are behind the psychological distress, but one of the main reasons is that they don't get the emotional touch from their parents and families. The other reason is that they belong to the minority section of the society. They face discrimination in every aspect from society. They face real challenges related to physical and social changes. They face many psychosocial challenges or stigma or prejudices related to them which can lead to distress. Many transgender patients experience distress and anxiety about their gender identity, and may have less familial and peer support as compared to non-transgender individuals (Bockting, Huang, Ding, Robinson & Rosser, 2005).

Depression

As the parents and family members misbehave with them because of the fear of society, very often the children

themselves run away from home and these children have to face a lot in the society like physical torture, forced sex, and much more and the result of all this is that they are subjected to mental pressure. The stigma prevailing in society leads to discrimination against them and this results in harassment towards them. Due to these they become victims of depression. They become so helpless that they do not wish to tell their feelings to anyone and thus start living alone. A study by Budge et al. (2013) showed that the depressive symptoms (51.4 % for transgender women; 48.3 % for transgender men) and anxiety (40.4 % for transgender women; 47.5 % for transgender men) within the study far surpass the rates of those for the general population.

Suicidal Ideation

They face so much of internal problems because of which they find difficulty to maintain relationship with the other people and in this extreme situation some who fail to survive in this society by their identity, commit suicide. Fitzpatrick and colleagues (2005) found that trans college students reported 32% more hopelessness, suicidal ideations, and suicide attempts than their non-trans LGB peers.

Substance Abuse

As the entire gamut of issues mentioned above are interlinked with

one another, experiencing these major psychological issues can lead to substance abuse which helps them escape from reality. The various types of substances used are alcohol, cannabis, cocaine, etc. The study which was published in the Journal of School Health found that transgender students were 2.5 times more likely than non-transgender students to use cocaine and methamphetamines in their life time.

Suggestions

Here are some suggestions for enabling better and respectful life for the transgender persons:

1. First and foremost point is that the 'Transgender Persons (Protection of Rights) Act, 2019' should be implemented in letter and spirit to enhance the socio-economic and educational status of these communities.
2. Local film and popular television media/OTT platforms should include films and other audio-visual programmes on transgender issues.
3. In local newspapers also there should be edition for the transgender community so that the persons can effectively express their opinions and can easily distribute information on transgender issues from different voices.
4. Media coverage should be factual, inclusive and fair of transgender

issues because media is the main source from where people can learn about the transgender people.

5. There should be skill development trainings for them as this will help them to generate income on their own or get gainfully employed in some sectors like beauty parlor, computer-technician and many more livelihood sources.
6. They are declared as the third gender and according to the judgment by various courts of law, they should be treated as equal and therefore the government should make them eligible for the reservations in jobs and educational institutions. Anti-bias policies should be formulated and strengthened to protect transgender persons and also to promote safety and security in the workplace to ensure that these people are treated equally in the human capital market.
7. In government and private organizations there should be sensitization programs as this will help resolving the issues that cause discrimination in the society.

Conclusion

In conclusion it can be said that transgender persons experience adverse psychological condition and this may continue till there is greater awareness about them in the society.

They are the ones who face many psychosocial issues which are affecting many aspects of their life. They are small part of the population, but that does not mean that they are not humans. They should be considered and treated like all humans. Much work is done and is continuing in order to improve their situation but the process seems to be slow. A lot more is to be done to promote the recognition and safety and unbiased treatment of this community. There should be community based interventions along with gender sensitization programs for improving the lot of the transgender community.

References

1. Bockting, WO, Huang, CY, Fing, H., Robinson, B. & Rosser, BRS. (2005). Are transgender persons at higher risk for HIV than other sexual minorities? A comparison of HIV prevalence and risks. *International Journal of Transgenderism*, 8(2/3).
2. Budge, S. L., Adelson, J. L., & Howard, K. A. S. (2013). Anxiety and depression in transgender individuals: The roles of transition status, loss, social support, and coping. *Journal of Consulting and Clinical Psychology*, 81(3).
3. *Lost in Transition: Transgender People, Rights and HIV Vulnerability in Asia- Pacific Region*, UNDP, Bangkok, 2012.
4. Pedro, K.T.De, Gilreath, T.D., Jalson, MS, Esqueda, M.C. (2017). Substance use among transgender students in California Public Middle and High Schools, *Journal of School Health*.
5. Talwar Rajesh, *The Third Sex and Human Rights*, Gyan Publishing House, New Delhi, 1999.
6. Report of Expert Committee on the Issues Relating to Transgender Persons, Ministry of Social Justice and Empowerment, Govt. of India, New Delhi, 2014.
7. Schaefer, L.C. & Wheeler, C.C. (2004). Guilt in cross gender identity conditions: presentations and treatment, *Journal of Gay & Lesbian Psychotherapy*, 8(1/2).
8. Stephen, A. & Seelan, Jeya. (2016). Psychological problems of Transgender and the attitude of society. *Transgender Inclusion challenges and Implications* (Dr. Sunanda Raj T.), APH publishing corporation, 2016.

