

THE ISSUES AND CHALLENGES OF TRANSGENDER PERSON IN INDIA: AN ANALYTICAL STUDY

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I. Introduction

It is helpful to start by looking at the idea of gender when talking about the term "transgender." We start by dissociating sex and gender. The biological and physical traits associated with being classified as male or female are referred to as sex. At birth, sex is classified, typically based on genitalia and/or chromosomes. The term "gender" refers to a person's combination of traits, social norms, and roles that are typically ascribed with their sex at birth and are frequently categorized as either masculine or feminine. The majority of gender-related concepts are social constructs that change over time and throughout cultures, making gender a difficult notion to understand. For instance, gender roles and gender presentation (social roles, vocational possibilities) differ significantly depending on the culture and time period.

II. Background of study

In every culture Gender-bending individuals have existed throughout history. Transgender, on the other hand, is a term that was just coined in the middle of the 1990s. It is helpful to think of the term "transgender" as a catch-all phrase that refers to a variety of persons who spend significant amounts of their lives expressing a sense of gender different than the sex to which they were born. This applies to cross-dressers, transsexuals, and anyone else who believes that the gender they were assigned at birth is not representative of who they truly are. "Cisgender" refers to those who do not identify as transgender and who identify with the sex that was given to them at birth.

The socio-cultural groupings of transgender people in our nation include the hijras, jogtas, jogappas, Sakhis, and Aradhis. Everywhere in our country, they all experience extreme sexual harassment and discrimination on a regular basis. If we look back in time, we can see that these communities have existed for approximately 4000 years; they are not a modern development. Napunsaka is mentioned in our Vedic

literature along with mythological eras. In Jain literature, they are referred to as "psychological sex." So how did this idea of inequity come about in our nation? The "Criminals Tribes Act," passed in 1871 during the time of British control, classified them as criminals and brought about the current state of affairs throughout the country altered. Despite the 1949 repeal of the statute, transgender communities continued to face prejudice.

III. Issues of Transgender person

There are many issues faced by transgender person in India. People who identify as transgender (TG) are not only denied equal access to fundamental social services including work, health care, education, and housing, but are also marginalized in society and placed in a vulnerable category at risk of social exclusion as a result of this discrimination. I will now list some of the significant issues that TG people in India face:

a. Marginalization and Social Exclusion

At the individual, interpersonal, and societal levels, marginalization is at the heart of exclusion from leading fulfilling and full social lives. People who are marginalized have comparatively little influence over their life and the resources at their disposal; they risk stigmatization and frequently encounter unfavorable public perceptions. Their chances to contribute to society might be few, which could lead to isolation, low self-esteem, and low self-confidence. They may have relatively limited access to important social resources like housing, money, work, leisure activities, and education and health services as a result of social policies and practices. Whatever the causes and processes of marginalization, regardless of whether these are to be considered positive or negative, the effects of marginalization in terms of social exclusion are comparable. Situated in social circumstances (such as the loss of workplaces, the lack of cheap housing, and so on) or social attitudes (such as those toward people with disabilities, homosexuality, ethnicity, and so forth).

b. Family Reactions on Transgender People their conflict and rejection

Numerous challenges exist for transgender people within the family. Gender nonconforming behavior, which can appear in youngsters as young as three to five years old, is generally not tolerated by families. Many parents experience a range of emotions when they learn that their child is transgender or gender non-conforming: some feel sad, afraid, and disappointed, while others feel astonished, indignant, and upset. Few people are willing to stand by their loved ones without making an effort to alter them. Parents may threaten, reprimand, or even physically harm their male child for acting in a way that is seen feminine or girlish, and their female child for acting in a way that is deemed boyish. They may do so for a variety of reasons, including concern that their child won't marry, carry on the family line, fulfill family obligations, or fear that a gender-nonconforming child will bring shame and disgrace to the family. Parents who are concerned often blame mental illness, sexual abuse, disorientation, rebellion, or inadequate socialization for their children's gender nonconformity attempting to force their children to conform to the gender assigned to them at birth by violence, bullying, threats, and medical "therapy"; believing that the best way

to assist their children succeed as adults is to help them try to fit in with their gender-normative peers. Children who identify as gender nonconforming or transgender experience a loss of self-worth and self-esteem as a result of these responses.

c. Lacking in Education

The transgender population is extremely vulnerable and disenfranchised, and it lags significantly behind in terms of human development, particularly in the area of education. This community's majority is illiterate or less educated, which prevents them from fully engaging in social, cultural, political, and economic activities. Actually, there is a strong gender divide in educational institutions. Children and adolescents who identify as transgender or gender nonconforming experience increased stigma in the school system, which replicates the rest of society in upholding rigidly binary and patriarchal gender ideals.

In India, there are about 4.9 lakh transgender people, according to the 2011 Census. Census data also demonstrates the low literacy rates in this society; only 46% of transgender people are literate, compared to 74% of the overall population. This neighborhood fits the definition of a "disadvantage group" under the Right to Education Act (Indian Express 2014). It indicates that these children will be qualified for a 25% admissions reserve under the EWS and DSS categories (economically weaker section and disadvantaged students).

d. Poor Economic Conditions and Discrimination in the Workplace

The transgender community's employment and livelihood opportunities are further limited by interrupted education and social exclusion.

There are several factors to blame for their economic plight, which are as follows:

- Exclusion from Family and Society
- Stigma and Discrimination at work place
- Lack of knowledge and training in vocational skill development
- Lack of opportunities
- Lack of confidence in engaging them by employers.

e. Transphobia and Psychological stress

The transgender group experiences more harassment, intolerance, and discrimination from society than those who identify as heterosexuals. Few people become transphobic due to moral, religious, and social convictions, which leads to assaults, hostility, workplace harassment, etc. The community deals with a lot of mental health-related problems as a result of all the aforementioned causes, which may actually influence individuals to make bad decisions like self-harming, having suicidal thoughts, etc. Because of society, they struggle with feelings of loneliness, anxiety, and insecurity.

IV. Challenges before Transgender Person

The Transgender Persons (Protection of Rights) Act, 2019, was passed by the government in support of the transgender community's empowerment and general well-being, although challenges still persist in their day-to-day lives. Although the Supreme Court recognized transgender people as a "third gender," the gender binary is still used in governmental apparatuses today.

Discrimination and banishment

They face discrimination in employment, educational institutes, and within families which severely affects their overall wellbeing.

Identity crisis

Despite the government passing the Transgender Persons (Protection of Rights) Act in 2019, they are frequently forced to identify with a gender with which they are not associated at work. which allows the community the right to self-perceived gender identity.

Social Stigma

They frequently face challenges when it comes to property inheritance or child adoption. Because of being socially ostracized they are compelled to take up menial jobs despite good qualifications or forced into sex work.

Unemployment

The community has limited avenues of employment and faces severe discrimination at work because of the associated social stigma.

Lack of public amenities

They face issues with the accessibility of public toilets and public spaces. They often face problems in prisons, hospitals and schools.

Multiple barriers exist in the healthcare sector, which has a significant impact on the transgender community. For starters, it undermines community members' trust in health professionals and discourages them from seeking care. It becomes a critical issue because disregard for various aspects may significantly deteriorate the health of the transgender community and foreshadow a significant decrease in the quality of these people's lives. At the same time, carers' unwillingness to visit hospitals widens the gap between them

and transgender people. It has a negative impact on the transgender community and their relationships with society.

V. **Conclusion and Suggestions**

The lack of protection and their ambiguous status is one of the primary causes of the emergence and development of discriminatory behaviors toward transgender people. Currently, almost all health insurance plans do not cover transitional care and the government makes no specific recommendations or instructions on how to work with this category. As a result, medical professionals are unable to apply for health-care subsidies or ensure appropriate care delivery.

With this in mind, the paper aimed at rethinking the given problem at the state level should be launched. It is critical to establish a legal framework that monitors the status of transgender people, assesses their needs, and ensures that all necessary services are provided. The given approach should be developed in light of the existing problems that these patients face as well as the limitations in knowledge that health workers face. That is why both transgender people and healthcare professionals should be involved in the process of developing new policies.

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