

Towards an Inclusive Democracy - Transgender Community

What is the issue?

\n\n

\n

- Numbering approximately 4,90,000 (2011), transgender people in India are perhaps one of the most visibly invisible population.

\n

- Here is a brief look on the plight of transgenders over the years and the measures taken to address their marginalisation.

\n

\n\n

How have transgenders historically been?

\n\n

\n

- Historically, Indian society has been tolerant of diverse sexual identities and sexual behaviours.

\n

- The “hijra” community evolved to form a unique subculture within the Indian society.

\n

- They existed alongside the omnipresent heterosexual unit of the family.

\n

- They had cultural and social significance across the country in various avatars.

\n

- The same is evident in Indian mythology and ancient literature such as the Kamasutra, or the epics such as the Mahabharata.

\n

- In all these, the transgender community has been portrayed with dignity and respect.

\n

\n\n

What happened thereafter?

\n\n

- \n
- India's fluid gender and sexual norms did not fit into Britain's strict Victorian conceptions of appropriate sexual behavior.
- \n
- So under the colonial law, the formerly acceptable sexual behaviors and identities became criminalized. E.g. Section 377 of IPC
- \n
- So since the late 19th century, transgender persons lost the social-cultural position they once enjoyed.
- \n
- They have now been increasingly recognised as one of the most socio-economically marginalised.
- \n

\n\n

How vulnerable are they?

\n\n

- \n
- Despite laws, policies and their implementation, the community continues to remain quite marginalised and highly vulnerable.
- \n
- Most often, children who do not conform to the gender construct binary leave, or are forced to leave, their families.
- \n
- These children or young individuals begin their journey alone in search of individuals of their kind, and are ultimately vulnerable to abuse.
- \n
- They are subject to extreme forms of social ostracisation and exclusion from basic dignity and human rights.
- \n
- They remain highly vulnerable to gender-based violence, are forced to beg, dance at events and religious functions, or, even sell sex.
- \n
- Their vulnerability to fatal diseases can be extreme in the conditions they work in.
- \n
- Thus they have a higher prevalence of HIV-AIDS, tuberculosis as well as a whole host of other sexually transmitted infections.
- \n
- According to a recent UNAIDS report, the HIV prevalence among transgenders is 3.1% (2017).
- \n
- This is the second highest amongst all communities in the country.

\n

- But, only about 68% of the people are even aware that they are infected, which is worrying.

\n

- High instances of substance abuse and low levels of literacy only complicate matters.

\n

\n\n

What are the measures in this regard?

\n\n

\n

- **Education** - Higher education institutions provide quota and give special consideration to transgender people.

\n

\n\n

\n

- But only a few utilise these provisions as the school education of most transgender people either remains incomplete or non-existent.

\n

- The lack of basic schooling is a direct result of bullying and, hence, they are forced to leave schools.

\n

- Notably, schools largely remain unequipped to handle children with alternate sexual identities.

\n

- **Voting** - Some voters were not getting registered as they refused to declare themselves as male or female - the two options available in registration forms.

\n

- This was especially a significant issue for the local body elections in constituencies which are reserved for women.

\n

- This was brought to the notice of the Election Commission (EC) in 2009, as a result of which appropriate directions were issued to all provinces.

\n

- They were instructed to amend the format of the registration forms to include an option of “others”.

\n

- **Supreme Court** - In National Legal Services Authority Vs. Union of India (2014), the apex court recognised transgenders as the “Third Gender”.

\n

- It was observed that “recognition of transgenders as a third gender is not a social or medical issue, but a human rights issue”.
 \n
- **Health** - HIV services for the community are rapidly improving in a targeted manner after the SC verdict.
 \n
- E.g. National Aids Control Organisation (NACO) reported that 2,40,000 hijras were provided with HIV prevention and treatment services in 2015, compared to 1,80,000 the previous year.
 \n
- **Law** - The Transgender Persons (Protection of Rights) Bill, 2016, has been passed in the Rajya Sabha. It is now pending in the Lok Sabha.
 \n
- Besides these, a number of activists are working at the grassroots for the welfare of the community.
 \n

\n\n

What lies ahead?

\n\n

- Transgender community warrant special attention from not only the state machinery, but from the society at large.
 \n
- A multi-pronged approach is needed in the form of
 \n

\n\n

- i. mass awareness campaigns
 \n
- ii. generating avenues for dignified employment
 \n
- iii. gender sensitisation
 \n
- iv. affirmative action
 \n

\n\n

- These are essential to complement the efforts of the EC and the judiciary, in ensuring a meaningful and inclusive democracy.
 \n

\n\n

\n\n

Source: Indian Express

\n

