

Towards an Inclusive Democracy - Transgender Community

What is the issue?

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

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

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How have transgenders historically been?

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

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

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

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

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

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

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What happened thereafter?

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

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

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- But, only about 68% of the people are even aware that they are infected, which is worrying.
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- High instances of substance abuse and low levels of literacy only complicate matters.
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What are the measures in this regard?

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- **Education** - Higher education institutions provide quota and give special consideration to transgender people.
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- But only a few utilise these provisions as the school education of most transgender people either remains incomplete or non-existent.
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- The lack of basic schooling is a direct result of bullying and, hence, they are forced to leave schools.
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- Notably, schools largely remain unequipped to handle children with alternate sexual identities.
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- **Voting** - Some voters were not getting registered as they refused to declare themselves as male or female - the two options available in registration forms.
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- This was especially a significant issue for the local body elections in constituencies which are reserved for women.
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- 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.
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- They were instructed to amend the format of the registration forms to include an option of “others”.
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- **Supreme Court** - In National Legal Services Authority Vs. Union of India (2014), the apex court recognised transgenders as the “Third Gender”.
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- It was observed that “recognition of transgenders as a third gender is not a social or medical issue, but a human rights issue”.
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- **Health** - HIV services for the community are rapidly improving in a targeted manner after the SC verdict.
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- 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.
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- **Law** - The Transgender Persons (Protection of Rights) Bill, 2016, has been passed in the Rajya Sabha. It is now pending in the Lok Sabha.
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- Besides these, a number of activists are working at the grassroots for the welfare of the community.
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What lies ahead?

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- Transgender community warrant special attention from not only the state machinery, but from the society at large.
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- A multi-pronged approach is needed in the form of
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- i. mass awareness campaigns
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- ii. generating avenues for dignified employment
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- iii. gender sensitisation
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- iv. affirmative action
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- These are essential to complement the efforts of the EC and the judiciary, in ensuring a meaningful and inclusive democracy.
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Source: Indian Express

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