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

\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

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

\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