

Transgender Rights

MAINS - GS II -Welfare schemes for vulnerable sections of the population by the Centre and States and the performance of these

Why in News?

Recently March 31st is celebrated as the International Transgender Day of Visibility

What are the challenges faced by the transgender persons?

- **Discrimination** - Transgender individuals face acute economic marginalization, harassment, family rejection, and discrimination.
- **Workplace discrimination** - Their unemployment rate is at 48%, compared to the national average of 7-8% which is very low.
- Discrimination at the hiring stage leads to workplace hostility, absence of gender-neutral facilities, and bias from colleagues.
- **Less financial inclusion** - In 2024, the *Union Finance Ministry* allowed LGBTQ+ individuals to open joint bank accounts and nominate partners as beneficiaries.
- However, such financial inclusion measures are scattered and fail to address economic discrimination.
- **Bias in education system** - Transgender individuals are pushed out of schools due to bullying, lack of support, and discriminatory environments.
- The 2011 Census recorded a transgender literacy rate of only 56.1%, far below the national average of 74.04%.
- **Neglected healthcare** - A NALSA survey revealed that 27% of transgender persons were denied medical care due to their gender identity.
- Gender-affirming procedures remain expensive and are not adequately covered under existing public health schemes.
- **Less representation** - While the visibility of transgender individuals has increased in media and public discourse, it often reinforces stereotypes.
- True inclusion requires removing deep-rooted prejudices in families, schools, workplaces, and public institutions.
- **Data inadequacy** - Census of India does not collect any data specifically on 'transgender'.
- The Registrar General of India (RGI), during Enumeration of Census 2011, for the first time provided three code i.e. Male-1, Female-2 and other-3 for enumeration.
- The category of 'other' would not only include 'transgender' but also any person who desires to record sex under the category of 'other'.
- Some transgender had returned themselves either male or female depending upon

their choice.

The population of 'other' as per Census 2011 is 4,87,803.

- **Weak implementation of Transgender rights act** - National Portal for Transgender Persons had received 24,115 identity card applications, but only 15,800 certificates had been issued.

Transgender Persons (Protection of Rights) Act, 2019

- The Act was enacted in response to the Supreme Court's 2014 NALSA judgment which recognised transgender persons as a "third gender" under Articles 14, 15, 19, and 21 of the Constitution.
- **Definition of a transgender person** - The act defines a transgender person as one whose gender does not match the gender assigned at birth.
- It includes trans-men and trans-women, persons with intersex variations, gender-queers, and persons with socio-cultural identities, such as kinnar and hijra.
- **Prohibition against discrimination** - The act prohibits the discrimination against a transgender person, including denial of service or unfair treatment in relation to:
 - Education, employment, healthcare
 - Access to, or enjoyment of goods, facilities, opportunities available to the public
 - Right to movement
 - Right to reside, rent, or otherwise occupy property
 - Opportunity to hold public or private office
 - Access to a government or private establishment in whose care or custody a transgender person is.
- **Right of residence** - Every transgender person shall have a right to reside and be included in his household.
- **Certificate of identity** - A transgender person may make an application to the District Magistrate for a certificate of identity, indicating the gender as 'transgender'.

What are the government initiatives for Transgender person?

- **National Council for Transgender Persons (NCTP)** - Apex statutory body established under the *Transgender Persons (Protection of Rights) Act 2019* to advise, monitor, and coordinate welfare policies for transgender persons
- **SMILE** - Support for Marginalized Individuals for Livelihood and Enterprise - Welfare measures for both transgender persons and persons who are engaged in the act of begging.
- **MoU with National Health Authority (NHA) under Ayushman Bharat (PM-JAY)** - It enables transgender persons to access cashless healthcare benefits under *Pradhan Mantri Jan Arogya Yojana*.
- **Garima Greh** - Shelter homes for destitute transgender persons.
- Transgender Protection Cells and Transgender Welfare Boards (TWB) have been set up in various states.
- **Grievance Redressal Officer** - Advisories are issued to all Union Ministries and States/UTs for designating Grievance Redressal Officer, for non-discrimination of transgender persons.
- **Identify recognition** - It has been instructed to providing option of "Transgender"

along with options of male and female wherever any gender related information is collected.

- **Equal Opportunities Policy for Transgender Persons** - Social Justice & Empowerment department has issued the policy to ensure the Transgender community has equal access to employment opportunities.

What lies ahead?

- The journey from visibility to true inclusion for transgender individuals in India requires transformative change, making transgender rights a moral and constitutional imperative.
- **Effective policy implementation** - Transgender welfare needs to be integrated into mainstream development schemes.
- **Economic empowerment** - Affirmative actions can be encouraged in hiring, skill development.
- Inclusive banking policies and government-backed entrepreneurship loans to increase credit ownership of transgenders.
- **Educational reforms** - Gender-sensitization in curriculum, creating safe school environments, and ensuring support mechanisms like scholarships and peer counselling.
- States like Maharashtra and Kerala have introduced transgender-inclusive college policies and reserved hostel facilities, national policies remain fragmented.
- **Awareness and media sensitization** - Public awareness campaigns and promoting inclusive representation in popular culture and mass media can boost acceptance.
- Events like *the Koovagam Festival in Tamil Nadu* celebrate transgender identity and can serve to change social attitudes.
- **Legal reforms** - Strengthen anti-discrimination laws and ensure strict enforcement.
- **Community participation** - Initiatives such as the "*I Am Also Human*" campaign by the Humsafar Trust are steps in the right direction but require broader participation.

Reference

[The Hindu | Transgender Rights International Transgender Day of Visibility](#)