# 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** |
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| • 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.<br>• **Definition of a transgender person** - The act defines a transgender person as one whose gender does not match the gender assigned at birth.<br>• It includes trans-men and trans-women, persons with intersex variations, gender-queers, and persons with socio-cultural identities, such as kinnar and hijra.<br>• **Prohibition against discrimination** - The act prohibits the discrimination against a transgender person, including denial of service or unfair treatment in relation to:<br>- Education,employment, healthcare<br>- Access to, or enjoyment of goods, facilities, opportunities available to the public<br>- Right to movement<br>- Right to reside, rent, or otherwise occupy property<br>- Opportunity to hold public or private office<br>- Access to a government or private establishment in whose care or custody a transgender person is.<br>• **Right of residence** - Every transgender person shall have a right to reside and be included in his household.<br>• **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 curriculam, 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

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