NEXT IAS

DAILY EDITORIAL ANALYSIS

TOPIC

TRANS PEOPLE DESERVE BETTER

TRANS PEOPLE DESERVE BETTER

Context

- Transgender individuals in India remain disconnected from policy promises and continue to face systemic neglect, as the lack of inclusive, enforceable, and humane policies results in a persistent denial of dignity.

About the Trans People in India

- Transgender people are **considered a gender minority in India** due to their distinct identity, historical marginalization, and systemic exclusion from mainstream social, economic, and political life.

- **Census (2011)**: Over 4.87 lakh individuals identified as transgender, under the **'Other' gender category.**

Legal Recognition and Constitutional Backing

- **NALSA v. Union of India (2014):** The Supreme Court of India recognized transgender persons as the '**third gender'**, affirming their fundamental rights under **Articles 14, 15, 16, and 21 of the Constitution.**

- **The Transgender Persons (Protection of Rights) Act, 2019:** It defines transgender identity broadly, including trans men, trans women, intersex individuals, and socio-cultural identities like **hijra, aravani, and jogta.**

  - It prohibits discrimination in education, employment, healthcare, and access to public goods.

- **Ancient Indian texts** refer to trans identities as **tritiyaprakriti (third nature),** showing cultural recognition.

Issues Faced By Trans People

- **Systemic Marginalization and Social Exclusion:** Internalized stigma from early rejection by families; Interpersonal stigma through bullying, harassment, and violence; Structural stigma in education, employment, healthcare, and housing;

  - These barriers result in high dropout rates from schools; limited access to formal employment; and vulnerability to homelessness, begging, and unsafe work conditions;

- **Lack of Representation and Access:** The absence of trans voices in legislative bodies perpetuates blind spots in policymaking.

  - Without representation in Parliament, State Assemblies, and local councils, the needs of gender minorities remain footnotes rather than focal points.

- **Health and Well-being:** NACO highlights the vulnerability of transfeminine individuals to HIV and mental health challenges.

- **Social Stigma & Violence:** Many trans persons are forced into begging or sex work due to exclusion. Incidents of violence and harassment remain frequent.

- **Legal Challenges:** Requiring **proof of gender reassignment for recognition** in the Transgender Persons (Protection of Rights) Act, 2019, **contradicting the self-identification principle of** NALSA**.**

Related Government Initiatives

- **SMILE Scheme (Ministry of Social Justice and Empowerment):** It aims to support transgender persons and those engaged in begging. It includes:

  - Shelter homes called **Garima Greh;**
  - Skill development and education programs;
  - Medical and psychological support;
  - Financial assistance for entrepreneurship;

- **National Portal for Transgender Persons:** It facilitates ID cards and certificates, enabling access to government services.

- **Equal Opportunities Policy for Transgender Persons (2024):** It was issued by the **Union Ministry of Social Justice and Empowerment**, aiming to:
  - Prohibit workplace discrimination;
  - Ensure fair recruitment, promotion, and training;
  - Establish grievance redressal mechanisms;
- **State-Level Policies** – Kerala, Tamil Nadu, and Karnataka have dedicated transgender welfare boards, pensions, and scholarships.

Three Urgent Priorities

- **Education**: Scholarships, inclusive curricula, and anti-bullying protocols must ensure no child is bullied out of school.
- **Healthcare**: Affordable, state-supported gender transition and mental health services are not luxuries; they are survival tools.
- **Employment and Housing**: Anti-discrimination laws and rental protections must be enforced with penalties. Inclusivity must be visible in payrolls and property deeds.

Road Ahead

- Ensure implementation of existing laws without gatekeeping;
- Promote inclusive education and employment;
- Sensitize society through media, curriculum, and public discourse;
- Guarantee safety and dignity in public spaces;

Source: TH

Mains Practice Question
Q. Discuss the social, legal, and cultural factors that contribute to the marginalization of transgender individuals in India.

■■■■