Transgender people are people who have a gender identity, or gender expression, that differs from their assigned sex. Transgender people are sometimes called transsexual if they desire medical assistance to transition from one sex to another. Transgender is also an umbrella term: in addition to including people whose gender identity is the opposite of their assigned sex (trans men and trans women), it may include people who are not exclusively masculine or feminine. Transgender also comprise people who belong to a third gender, or conceptualize transgender people as a third gender. Being transgender is independent of sexual orientation: transgender people may identify as heterosexual, homosexual, bisexual, asexual, etc., or may consider conventional sexual orientation labels inadequate or inapplicable. The term transgender can also be distinguished from intersex, a term that describes people born with physical sex characteristics that do not fit typical binary notions of male or female bodies. The degree to which individuals feel genuine, authentic, and comfortable within their external appearance and accept their genuine identity has been called transgender congruence. Most transgender people face discrimination at and in access to work, public accommodations, and healthcare. They are not legally protected from discrimination in many places. This article explains transgender and the various dimensions associated with it.

I. INTRODUCTION
Transgender means someone whose gender differs from the one they were given when they were born. Transgender people may identify as male or female, or they may feel that neither label fits them. They have a way of expressing themselves, describing their gender, or gender identity. In order to express their chosen gender, transgender people may
transition, or change, from the gender they were given at birth. They may change their names, pronouns or style of dress. Some transgender people also choose a medical transition, with the help of medical specialists, who will prescribe hormones and/or surgery. A Transsexual person lives in a different gender to the one they were given when they were born. For example, someone who was called a ‘boy’ when they were born may feel very strongly that they are really a girl. They would be called a trans-woman. If someone was labeled a ‘girl’ at birth, and they later realize that they are male, they would be called a trans-man. Gender Identity is a person’s internal feelings, and the labels they use, such as male, female, or transgender.

**Gender – key attributes**

- For some, being male or female is something they don’t think about, it’s automatic.
- Some people feel pressure to determine up to what’s expected of them as male or female
- Lesbian, gay, and bisexual people often feel that the only way to be a real man or a real woman is to be heterosexual/straight.
- Some people feel that male or female are labels that don’t work for them. *Stereotypes of how boys and girls are thought to be:*
  - Many people act like boys and girls are opposite to each other – completely separate and different.
  - Some people say that boys are supposed to like sports.
  - Girls can be expected to like pink and have long hair
  - Girls and boys can be encouraged to go into certain types of jobs and not others.

Transgender people are also dealing with these gender problems. Some people feel like they don’t fit at all into the male or the female, they might call themselves transgender. Transgender people are individuals whose gender identities do not pertain to their biological sex, and thus they differ from the stereotype of how men and women normally are. Transgender does not include sexual orientation or physical sex characteristics, but is in fact a less clinical term which pertains to gender identity and gender expression. Thus transgender people include those people whose identity and behaviour do not adhere to the stereotypical gender norms. They may be gay, transsexual, or gender queer.

**II. TRANSGENDERS IN INDIA**

In India, transgender people include hijras/ kinnars, shiv-shaktis, jogappas, Sakhi, jogtas, Aradhis etc. In fact, there are many who do not belong to any of the groups but are transgender persons individually. Transgender fall under the LGBT group (lesbian, gay, bisexual and transgender). They constitute the marginalized section of the society in India, and thus face legal, social as well as economic tides.

The problems faced by the transgender people in India include:
- These people are shunned by family and society alike.
- They have restricted access to education, health services and public spaces.
Till recently, they were excluded from effectively participating in social and cultural life. Politics and decision-making processes have been out of their reach. Transgender people have difficulty in exercising their basic civil rights. Reports of harassment, violence, denial of services, and unfair treatment against transgender persons have come to light. Sexual activity between two persons of the same sex is criminalized, and is punishable. In a landmark judgement in 2014, the Supreme Court observed that “The transgender community, generally known as “Hijras” in this country, are a section of Indian citizens who are treated by the society as “unnatural and generally as objects of ridicule and even fear on account of superstition”. In its judgement, the Supreme Court passed the ruling that “In view of the constitutional guarantee, the transgender community is entitled to basic rights i.e. Right to Personal Liberty, dignity, Freedom of expression, Right to Education and Empowerment, Right against violence, Discrimination and exploitation and Right to work. Moreover, every person must have the right to decide his/her gender expression and identity, including transsexuals, transgenders, hijras and should have right to freely express their gender identity and be considered as a third sex.” Thus, today the transgender people in India are considered to be the Third Gender.

Within the Third Gender population, there are many stories of determination; hard work and dedication where a transgender did not allow societal stress decide their fate. It is wrong to judge and discriminate people who may be different from the stereotype, which again is man-made. India now realised that every individual in this country has equal rights and privileges, and follow the policy of “live and let live.” Family acceptance is the most important factor associated with their survival. Transgender are begging on the streets or doing sex work for livelihood because their families abandoned them. Their pitiable lives are the rejection and dishonor from their families. So parents should put a stop to from rejecting their gender nonconforming children and start accepting them. The greater part of the transgender people in our country are sex workers and beggars, and their lives need a positive change, they need to live in dignity. The human power of transgender people is being worn out; it should profit the country. As long as the community has no opportunity to track education, they will remain in darkness. The government's efforts, media like television, newspapers and magazines were also a very important reason for the constructive change which is happening. They told the truth about the community from a humanistic point of view, which made the society understand and open their hearts towards accommodating them.

III. LEGAL STEPLADDER - INDIA’S ACCEPTANCE OF TRANSGENDERS

From redrafting the Rights of Transgender Persons Bill, 2014 to including transgenders as beneficiaries in social security schemes, India is making great strides in ending discrimination of transgender persons in the country. Over the last few years, there have been important developments for eliminating the historic discrimination and exclusion of
transgender persons; and for ensuring that they are accepted in society and given equal opportunities and access to resources. In April 2014, the Supreme Court of India gave a major boost to transgender rights in India in by its decision recognized the right of transgender persons to adopt their self-identified gender as male, female or ‘third gender.’

Two recent developments that could demonstrate to be major steps forward for the rights of transgender persons are:

(i) Redrafting of the Rights of Transgender Persons Bill, 2014 and
(ii) Extension of social security schemes by the Odisha Government to transgender persons.

These steps are important for ensuring that transgender persons are accepted within the fold of society and have access to the same resources and opportunities as other members of the society.

Redrafting of the Rights of Transgender Persons Bill
The Rights of Transgender Persons Bill, 2014 was passed by the Rajya Sabha in April 2015. The Bill manifests many aspects of the Supreme Court’s judgment such as social welfare measures for transgender persons and measures to raise awareness on issues of transgender rights. A committee of the Ministry of Social Justice and Empowerment cleared the Bill after including a chapter that defines various atrocities and violence against transgender people as offences. Some of the offences included in the newly-added chapter are as under:

i.) Forcibly removing the clothes of a transgender person, and parading them naked
ii.) Making transgender persons commit forced or bonded labour
iii.) Enticing a transgender person to beg
iv.) Forcibly dispossessing a transgender person from his/her house, village or other place of residence
v.) Intentionally insulting or intimidating with the intent to humiliate a transgender person in a public place
vi.) Denying them access to a place of public resort; and
vii.) Committing any act derogatory to human dignity.

Many of these acts constitute offences under the existing criminal law as well. True impact of the redrafted Bill can be assessed after the text is made available to public. The redrafted Bill is important to ensure that the many gruesome acts responsible for the social exclusion of transgender persons are stopped. Ill-treatment of transgender persons is a social evil that needs to be tackled effectively by law as well as by creating awareness. The Bill also provides for constitution of a National Council for Transgender Persons to advise Central and State governments on issues relating to the rights of transgender persons. However, there is a lack of sufficient political will in the Government and Lok Sabha to pass the Bill. There is also a concern that the final law may be a diluted version of the draft Bill. Passing of the Bill into law is important to implement the transgender rights that have been recognized by the Supreme Court.

The legal developments relating to the rights of transgender persons have led to the emergence of many stories that showcase greater inclusion and acceptance of transgender
persons in the society. Transgender persons need no longer hide their identity. The legal side will give transgender persons the space to build the life they desire for themselves. They will be able to pursue their education, get jobs and participate as equal citizens. This is an important step for building an inclusive, accessible and diverse India. The Union government has made no provision for reservation in jobs and education in the transgender Bill that was introduced in the Lok Sabha. According to an earlier draft of the Cabinet note prepared by the Ministry of Social Justice and Empowerment, all transgender persons, barring those who are not from Scheduled Castes and Schedules Tribes, were to be considered in the reservation quota for Other Backward Castes (OBC).

The Transgender Persons (Protection of Rights) Bill, 2016, introduced by Minister for Social Justice and Empowerment has no mention of the reservation. Ministry said that it was dropped because of protests by OBC groups who feared this would shrink their share of the pie. The earlier draft Cabinet note had a section on reservation in employment. It read, “Those transgender persons who by birth do not belong to Scheduled Caste or Scheduled Tribe may be declared as Backward Class and be entitled to reservation under the existing ceiling of OBC category.” As for transgender persons belonging to SC and ST communities, they were to take benefit under the existing reservation quota available for these categories, it had said. “Ever since the draft was circulated by us, the ministry received representations from OBC groups who were staunchly opposed to the proposed move,” said a ministry source.

The government had to take up the issue of reservation under OBC quota for transgenders following an August 2014 recommendation by the National Commission for Backward Classes (NCBC) in favour of the inclusion of transgenders in the central list of OBCs. “The Supreme Court judgment in the case filed by the National Legal Services Authority Vs Union of India said that the Centre should treat them as socially and educationally backward classes and provide them with the reservations available to them. We elaborated on the SC order in our report and said that all transgenders from forward castes should be given reservation under the existing 27 per cent quota for OBC,” said NCBC member S K Kharventhan.

The government Bill on transgenders’ rights came in the wake of a similar Bill introduced in Rajya Sabha by DMK MP Tiruchi. The private member Bill, the first such to be passed in over four decades, spoke of reservation in not only jobs but also in education - an assured two per cent reservation. “Instead of two per cent, it could even be 0.5 per cent but it has to be only horizontal reservation. This means that within the existing reservation quota for OBCs, SCs and STs, there must be an assured per cent of reservation for transgenders as they cannot easily get jobs and education if they are made to compete with others in each category.

IV. CONCLUSION

Gender is the construct of mind to a certain level. Born as transgender is not the foremost issue, but to live as transgender is the most difficult side. Let us recognize, approve and accept that they are also born in this world beautifully. So let they lead a beautiful life wrapped with love and peace.
V. REFERENCES


To Cite This Article