

PERSPECTIVES OF TRANSGENDER INDIVIDUALS ON THE CHALLENGES AND LEGAL ISSUES ENCOUNTERED IN SOCIETY

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ABSTRACT

This research explores the challenges faced by the transgender community in Shimoga district, Karnataka, India, with a focus on their constitutional rights, societal issues, and personal struggles. Utilizing a sample of 35 respondents through convenient sampling, the study employs interviews and Google Forms to gather data on social, mental, physical, and psychological challenges, as well as fundamental rights and justice for transgender individuals. Findings indicate widespread discrimination, with 45.7% expressing dissatisfaction with their lives, and 100% facing extensive discrimination across various aspects. Despite 85.7% undergoing surgery, many still grapple with gender identity conflicts. The study underscores the inadequate attention given to transgender issues by both the government and society (97.1%) and the challenges posed by societal norms, family rejection, unemployment, and limited access to education and healthcare. Recommendations include raising awareness, advocating for government attention, and ensuring equal opportunities in employment and education. Overall, the research sheds light on the complex challenges faced by the transgender community, emphasizing the need for broader societal understanding and inclusive practices.

Keywords: Transgender, Discrimination, Challenges, Rights, Awareness.

I. INTRODUCTION

A transgender individual is someone who possesses a blend of both male and female characteristics, or identifies as neither strictly male nor female. Importantly, their gender does not align with the one assigned to them at birth. This umbrella term includes various identities such as trans-men, trans-women, individuals with intersex variations, and gender-queer individuals. Discrimination is a significant challenge faced by the transgender community, spanning employment, education, housing, and medical care, including issues related to HIV care, mental health, and substance abuse.

The transgender community is diverse, with individuals identifying as trans men, trans women, non-binary, gender queer, and other identities reflecting their personal experiences. A considerable portion of transgender youth does not strictly identify as "boy" or "girl," indicating a broader spectrum of gender identities.

Various societal problems compound the challenges faced by the transgender community:

1. **Discrimination:** Transgender individuals encounter discrimination in employment, education, housing, and healthcare, contributing to issues like depression, substance abuse, and challenges related to marriage and adoption.
2. **Families and Relationships:** Some trans people face a lack of familial and social support due to transphobic reactions to their gender identity, affecting their right to family life.
3. **Social Problems:** Trans individuals may experience marginalization in property inheritance and adoption, leading some to engage in survival strategies like begging or sex work.
4. **Unemployment:** The societal recognition of only the binary gender structure contributes to the unemployment of transgender individuals, emphasizing the need for recognizing them as a third gender.
5. **Housing:** Transgender individuals may face housing crises and homelessness due to transphobia from family, neighbours, and communities, leading to fear of disclosing their identity to housing officers.
6. **Identity Documents:** Widespread lack of accurate identity documents among trans people affects their access to essential services, as many states do not allow easy updates to match gender identity.

7. Lack of Legal Protection: Transgender people often lack comprehensive legal protection from discrimination, and debates on discriminatory legislation, especially regarding public facilities, continue.

Efforts have been made to address these challenges, such as the Rights of Transgender Persons Bill, 2016, which recognizes the third gender and prohibits discrimination. However, issues like lack of legal protection, housing crises, and identity documentation challenges persist. Additionally, various Indian laws, including Articles 14, 15, 16, and 21, provide protection and equality for transgender individuals, emphasizing their fundamental rights.

II. METHODOLOGY

Objectives Of This Research:

- Explore Constitutional Rights of transgender individuals in India.
- Examine the current situation and challenges faced by transgender individuals.
- Identify problems faced by transgender individuals across various societal domains.
- Understand the impact of their struggles for justice.
- Investigate transgender individuals' awareness of their rights and justice in society.
- Propose measures to combat discrimination against transgender individuals.
- Identify major problems faced by transgender individuals in society.

Research Design:

This study aims to uncover Social, Mental, Physical, And Psychological Challenges, As Well As Fundamental Rights And Justice For Trans People.

Scope of the Study:

The findings will raise awareness about transgender individuals, shedding light on their internal and external challenges. Suggestions will aid in fostering understanding and promoting inclusive behaviors towards transgender people.

Sample and Sampling Technique:

The study was conducted in Shimoga district, Karnataka. A sample of 35 respondents, aged 22 to 58, was selected using convenient sampling. This diverse sample aimed to capture varied gender identities, sexual orientations, ages, education levels, and experiences with sexual activity.

Data Collection:

Interviews with 35 transgender individuals in Shimoga district were conducted, employing Google Forms and interview schedules. Challenges included finding private spaces for interviews and technical issues.

Data Analysis:

Manual coding and Google Spreadsheet were used for data analysis. Categories were transformed into symbols, tabulated, and counted. Statistical analysis included graphical representations using pie charts, bar graphs, and tables.

Limitations:

- Findings may not be applicable to all transgender individuals.
- Results may have limitations in reliability and validity.
- Time constraints due to the daily activities of transgender individuals.
- Further research is needed for a more comprehensive understanding.
- Possible errors in interpreting statements by transgender subjects.
- Lack of clarity and openness in responses from some transgender individuals.
- Difficulty in interviewing subjects from different age brackets.
- Fear and unclear question forms may have influenced answers.

III. ANALYSIS

FINDINGS

- A significant portion (45.7%) of transgender individuals expressed dissatisfaction with their lives.

- The study affirms that all transgender individuals (100%) face extensive mental, physical, psychological, and social discrimination in society.
- The majority of respondents (85.7%) from the transgender community have undergone surgery, yet they still grapple with gender identity conflicts.
- Transgender issues receive insufficient attention from both the government and society (97.1%).
- A majority (62%) express a desire to continue their education, with 62.9% having completed UP school education and 31.4% high school studies.
- The study highlights that surgery is not a viable option for all transgender individuals due to significant expenses (48.6%).
- A majority (57.2%) of transgender individuals are not employed in line with their human dignity.
- Despite being breadwinners (47.2%), they fear public appearances due to potential insults and discrimination.
- Section 18 of the Transgender Persons (Protection of Rights) Act aims to protect transgender individuals from various forms of abuse, with penalties, including imprisonment.
- Transgender individuals have historically faced discrimination, including exclusion from families, lack of dignified livelihoods, and limited access to health, shelter, welfare, and employment.

SUBJECT RESPONSES:

- A substantial percentage (45.7%) of transgender individuals reported dissatisfaction with their lives.
- The majority of respondents (85%) fall below the age of 40, with the highest concentration (11.4%) aged between 31 and 35 years.
- A significant percentage (97%) of respondents identify as transgender, and 2.9% have undergone surgery, embracing their male identity.
- The majority (77.1%) estimate that 20% of the population consists of transgender individuals.
- Regarding surgery, 85.7% of respondents believe that transgender individuals undergo the procedure.
- In terms of current occupations, 34.3% express dissatisfaction with their work for breadwinning, while only 14.3% are content.
- When faced with family rejection after revealing their identity, the majority (97.1%) of respondents reported running away, while 94.3% try to hide their struggles.
- Prestige in society is the main reason for family rejection, according to 100% of respondents, with social status cited by 94.3%.
- Education-wise, 62.9% completed UP school education, 31.4% completed high school, and 5.7% never attended school.
- These findings illuminate the complex challenges faced by transgender individuals, emphasizing the need for broader awareness and understanding in society.

IV. RESULTS AND DISCUSSION

RECOMMENDATIONS

In light of the significant findings, the following recommendations are suggested:

- Refrain from giving compliments or advice based on stereotypes about transgender individuals or preconceived notions about how men and women should look or behave.
- Uphold the right to live free from discrimination, harassment, and violence based on gender identity or expression.
- Take steps to make the world safer for transgender people, such as educating oneself about transgender issues.
- Acknowledge that transgender issues are not receiving adequate attention from both the government and society.
- Advocate for government attention and emergency assistance for the security and daily needs of transgender individuals.
- Encourage the application for welfare schemes through the National Portal for Transgender Persons.
- Familiarize oneself with Section 18 of the Transgender Persons (Protection of Rights) Act, which safeguards transgender individuals from various forms of abuse and imposes penalties, including imprisonment.

- Recognize the definition of "Transgender person" as outlined in the Transgender Persons (Protection of Rights) Act, 2019.
- Address the historical discrimination faced by transgender persons, including exclusion from families, lack of dignified livelihoods, and limited access to health, shelter, welfare, and employment.
- Ensure that the Bill grants all necessary changes and focuses on Hijras and transgender women.
- Emphasize that a child born as transgender can only be separated from their family by court order, with the family strictly entitled to care for the child.
- Advocate for equal opportunities in employment and education, highlighting the absence of reservations for transgender individuals, unlike the reservations for the SC community.
- Address the inequality faced by transgender individuals even after obtaining a gender change certificate.

V. CONCLUSION

In conclusion, this study provides a comprehensive examination of the challenges faced by the transgender community in Shimoga district, Karnataka, India. The findings underscore the significant levels of dissatisfaction (45.7%) among transgender individuals, emphasizing the pervasive discrimination they encounter in various aspects of life. The study highlights the diversity within the transgender community, with individuals identifying across a spectrum of gender expressions, necessitating a nuanced understanding of their experiences.

Societal problems, such as discrimination, lack of familial and social support, unemployment, housing crises, and identity documentation challenges, compound the difficulties faced by transgender individuals. Despite efforts like the Rights of Transgender Persons Bill, 2016, and existing Indian laws, gaps persist, particularly in legal protection, housing security, and awareness.

The research's methodology, including interviews with 35 transgender individuals, sheds light on the complex social, mental, physical, and psychological challenges faced by the community. While acknowledging the limitations of the study, including sample size constraints and potential biases, the findings provide valuable insights for fostering awareness, understanding, and inclusive behaviors towards transgender individuals.

The recommendations presented emphasize the need for refraining from stereotypes, upholding rights, advocating for government attention, and addressing historical discrimination. Additionally, the study underscores the necessity for comprehensive legal protection, family support, and equal opportunities in employment and education for the transgender community. Overall, this research contributes to the broader discourse on transgender rights and serves as a call to action for a more inclusive and supportive society.

VI. REFERENCES

- [1] McClelland, B. E., J. A. Cardell, et al. (2020). "We are people, not clusters!." *Am J Bioeth* 20: 1-4.
- [2] Paul, A. (2020). *Reference Books - Lesbian, Gay, Bisexual, Transgender...* University of California, Santa Barbara. <https://guides.library.ucsb.edu/c.php> (Accessed: 12-Apr-2023).
- [3] *Transgender Health*. (2019). 4(1), 68–80. Published online Mar 1, 2019. doi: 10.1089/trgh.2018.0020 <https://www.law.upenn.edu/search/>
- [4] *Documenting research with transgender and gender...* (2017). *Syst Rev* 6: 35. Published online Feb 20, 2017. doi: 10.1186/s13643-017-0427-5 <https://www.ncbi.nlm.nih.gov/articles/PMC5319144>
- [5] *Transgender Portraits and the Things a Body Won't Tell* by Michael M. Weinstein. (November 17, 2015). <https://en.wikipedia.org>
- [6] Newton, D. E. (n.d.). *Sex and Gender: A Reference Handbook*. University of the Pacific. <https://scholarlycommons.pacific.edu> > view content PDF
- [7] *Transgender Persons Bill, 2014*. Retrieved from *The Rights of Transgender Persons Bill, 2014*: <http://164.100.47.4/billstexts/rsbilltexts/AsIntroduced/trangder-E.pdf>
- [8] Hsu, G. A. (August 2015). Govindasamy Agoramoorthy and Minna J. Hsu. *Journal of Religion and Health*, Vol. 54, 3-4.
- [9] *Indian kanoon*. (n.d.). Retrieved from *Indiankanoon.org*: <https://indiankanoon.org/doc/367586/>
- [10] Johari, A. (2014). *Scroll.in*. Retrieved from *Hijra, kothi, aravani: a quick guide to transgender terminology*:

- <https://scroll.in/article/662023/hijra-kothi-aravani-a-quick-guide-to-transgender-terminology>
- [11] Sethi, S., & Barwa, M. (2018). Transgender Health and Their Rights in India. International Journal of Research in Social Sciences, 2-3.
- [12] The Fight to Decriminalize Homosexuality Since the Repeal of Section 377. (n.d.). Retrieved from Outright International:
<https://outrightinternational.org/content/fight-decriminalize-homosexuality-repeal-section-377>
- [13] Transgender Persons Bill, 2015. (n.d.). Retrieved from The Rights of Transgender Persons Bill, 2015:
<https://www.prsindia.org/uploads/media/draft/Draft%20Rights%20of%20Transgender%20Persons%20Bill%202015.pdf>