

From Isolation to Integration: Embracing Transgender Rights in Society

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Abstract—Transgender individuals have historically faced social exclusion due to deep-rooted societal prejudices, legal barriers, and institutional discrimination. Marginalization has impacted their access to education, employment, healthcare, and civil rights, leading to systemic disadvantages and economic instability. However, in recent years, there has been a significant shift toward social inclusion, driven by legal recognition, policy reforms, activism, and increased awareness. Landmark judicial decisions, progressive legislation, and advocacy efforts have contributed to affirming transgender rights, fostering greater acceptance, and integrating transgender individuals into mainstream society. This paper explores the historical challenges of social exclusion and examines contemporary efforts to facilitate social inclusion. By analyzing legal advancements, employment initiatives, healthcare accessibility, and societal attitudes, the study highlights ongoing efforts and remaining challenges in achieving full equality for transgender individuals. The findings underscore the importance of continued policy reforms, educational initiatives, and community-driven support systems to ensure meaningful inclusion and equal opportunities.

Index Terms—Transgenders, Social exclusion, marginalized, rights, activism.

In our childhood days when there was less of the influence of the social media and more of the physical interaction between the masses where the customs and traditions prevailed within the societies, whenever there used to be a marriage in the neighborhood or someone was blessed with a child, a flock of colourful dressed female lookalikes with full on makeup coupled with husky manly voice used to entertain and grace the occasions with their songs, dances, claps and blessings but as a child we least knew that these manly voiced females behind those glittering costumes were actually the creation of the same almighty God but were living the life of

exclusion being differently abled creatures, whom the people called...The Transgenders or Hijras.

When we grew up, with the constant passage of time things started becoming clearer that being born as a transgender was not one's choice but such people were born due to certain genetically/chromosomal disorder which was beyond the human control. However, despite being an important part of the society, they were socially excluded, and debarred from exercising their fundamental rights like right to have a dignified life, personal Liberty, education etc. despite having all constitutional guarantees.

Transgender is an umbrella term for persons whose gender identity, gender expression or behavior does not confirm to that typically associated with the sex to which they were assigned at birth. Transgenders may be gay, transsexuals, transvestite or even gender queer. There are about 50 lakh trans-communities in the entire world and more than 25 lakhs in India alone. There are various socio-cultural groups which are known by different names e.g. in India, we call them Hijras, In Thailand they are called Kathoey, In Mexico and South America they are called two spirited people. So, it is a wider term which includes all the individuals who are crossing the gender binary. Gender binary is either male or female, so there are two genders which exist. Transgenders are everything or anything that exists apart from this gender binary and transsexuals are individuals who are ready to cross the gender binaries.

Now a day's people often hear and even use the phrase LGBT but have little idea what it means or realize that they may be conflating different identities, concepts and terms. Becoming familiar with some terms and concepts can be useful to better understand and support all those who may be different than us. It helps us to recognize what these people are going through and to value what their identity means to them. These different people are in

constant conflict with their biological sex and psychological gender and emotional identity, which is a medical condition called gender dysphoria or gender identity disorder. However, science hasn't explained anything regarding it. It is estimated that point 3 percent of humans are gender dysphoric in world population of 7.125 billion. In South Asia including India they are ostracized and rejected by families and hence live at the margin of the society. As per the available data 24.8 % are accepted, 41.2 % are not accepted, 11.8% are rejected, 17.8% have been suggested to hide their identity and 4.4% have found a cure for it. All these feel as if their body is a prison, where they feel suffocated, lonely and helpless as they are morally not accepted in the society.

We all know that it is not within our will or control to be born as a man or women as the said power lies with the almighty Allah. The Quran says that "Allah is the One who shapes you in the wombs as He pleases", (Qur'an 3:6) As such, He cannot discriminate between genders. It is his divinely wish to bring somebody to life in this world in whatever gender he pleases. One such pleased category is the eunuchs, who are also an important part of the society as they are born irrespective of caste, creed and the religious barriers. They are also human beings who find a mention in the Holy Quran in Chapter No. 42 verse No. 49 & 50 that:

"To Allah belongs the dominion of heavens and earth; He creates what he wills. He gives to whom He wills female, and He gives to whom He wills males. Or He makes them [both] males and females, and He renders whom He wills barren. Indeed, He knows and is Competent."

Islam specifically supports the existence and rights of the transgenders as it maintains equality for men, women and the transgender. The prophet of Islam also treated transgenders with admiration and proscribed their maltreatment. They were termed as Makhannathun (effeminate ones) in Arabic and were given a higher place or honour like they were bestowed with the titles "Guardians of Sacred boundaries" in which they were given the privilege to guard some of the most sacred harems of Madinah and Mecca.

If we go by the historical facts, under the Mughal rule transgenders were called as Khawjasaras, a

designation of respect and dignity and were employed as security officials and protectors of harems. This role was assigned to transgenders in imitation of their historic role in holy cities where transgenders served as facilitators between men and women performing prayers and pilgrimage. In most parts of the Muslim world, transgenders commanded respect and were considered holy and special in the eyes of God. In India, the Mughals appointed transgenders to positions of power and trust; they served as courtiers, councilors and advisors.

History further explains clearly that a vicious cycle of persecution against transgenders began in the British India during the year 1871, when due to genetic flaws the transgenders lost their royal status and gradually faced exclusion from all the social circles. As such, in order to survive, some of them took to dancing while as, others developed the art of clapping, some resorted to begging whereas, others started prostitution and criminality. Though, after the British left India, the Criminal Tribes Act was repealed with respect to transgenders. However, the damage done to them could not be repaired as by that time transgenders had lost their social respect and were facing lot of humiliation.

Even in today's world, our daily life has come across a lot of references of the word khusra, which is the personality of a transgender. A feminine-looking friend, an incompetent politician etc. are often teased or called as a khusra. In both India and Pakistan, the word khusra is associated with impotence, incompetence, and powerlessness. We all must be remembering the famous dialogue of film Sholey spoken by dacoit Gabbar Singh that "Lagta hai Thakur nain Hijron ki fouj paal rakhi hai". Thus, it can be very well ascertained as to what was the position of this community in the eyes of the society, which has been facing extreme exclusion from the society being treated as inferiors. In almost all the religions every human being is termed as equal and therefore, there is no scope of discrimination or ill treatment on the basis of gender as every human being is entitled to enjoy his fundamental rights with dignity, but we don't do what we speak of. During Bollywood marriage of actress Sonam Kapoor, when Karan Johar got a photograph clicked with the bride in a different pose, he was badly trolled on the X (formerly Twitter) with the caption that "Aksar shadion main hijrey aa hi jatey hain". One can

imagine how pathetic the members of this community are as they are often ridiculed and insulted verbally by calling them Chakka, which is more dangerous and harmful than the physical violence.

The Constitution of India provides that every person shall have an equal status before the law and an equal protection of law. The word “every person” means every individual, without any discrimination based on caste, creed, religion, sex, etc. As such, a transgender in India is included to have equality before the law and thus cannot be discriminated. But the irony is that social degradation of the Transgender has been highly appalling. The sheer spite with which they are mocked, harassed and ridiculed should put all of us to shame. It is this regressive mindset that has excluded the transgender from all activities of the society, making them vulnerable to violent abuse and harassment though being the humble creation of the Almighty God deserves to be treated in a humanely manner. Majority of the transgenders on seeing themselves being rejected by their own families and the society are compelled to work as prostitutes, beggars, dancers whereas, they can also lead a normal life being part of the mainstream. The individual mindsets have become so strong and perverse towards the community that nobody is ready to even think of a change though knowing well that legal support is futile without social and moral support.

Coming across through one such case of Sam Sandhu @ Samiya, a makeup artist of Jammu it was revealed that he had faced exclusion from his own family, was beaten up, solitary confined for months altogether but he didn't lose heart and the will to be exceptional and instead of adopting the traditional profession started something which was respectable and dignified, for his own survival. If we talk of our state, particularly the area of Kashmir this community is facing a lot of social exclusion as they are abandoned by their families and are confined to the role of match makers, singers and entertainers. They are not allowed to enter the mosques even for purpose of cleaning the same or bury their dead bodies in the common graveyards of the localities, whereas, in Jammu they are termed openly as sex workers or entertainers. It is perhaps this open exclusion and harsh attitude of the society that this community has adopted an almost equal tendency of harshness. We all must have seen them quarrelling and abusing

those who either don't pay them handsomely or push them back for no reasons.

But this is not what we have been listening and watching all the time. Famous transgenders like Laxmi Narayan Tripathi, Abheena Aher, Ghazel Dhaliwal, Gori Sawant and Simran, who faced grave exclusion throughout their life fought with the system and came out openly through their respective NGOs and are still striving hard to uplift their lost honour and dignity. From authoring a book titled “Me Laxmi Me Hijra” to flouting a concept of adopting at least one transgender child by a family instead of selling the body for a meager 10/20 rupees, every possible step is being initiated by these super heroes of the Modern India. One of the issues that have been receiving growing attention is the experience of discrimination that transgender individuals face when they interact with the criminal justice system. It has been generally observed that three basic kinds of exclusions have been faced by the Transgender in India: -

1. Exclusion from Social and Cultural Participation (Social Exclusion),
2. Exclusion from Economy (Economic Problem) and,
3. Exclusion from Citizen Participation (Political Status).

It was the Indian Judiciary which came to the rescue of this community when the Hon'ble Supreme Court of India in case titled National Legal Services Authority Vs. Union of India through a landmark decision declared transgender people to be a 'third gender', affirmed applicability of the fundamental rights guaranteed under the Constitution of India and gave them the right to self-identification of their gender as male, female or third-gender. It was also held that because transgender people were treated as socially and economically backward classes, they be also granted reservations in admissions to educational institutions and jobs. Centre and State Governments were directed to take proper measures to provide medical care to Transgender people in the hospitals and also provide them separate public toilets and other facilities, to operate separate HIV/Serology surveillance measures for transgender people, to provide the community various social welfare schemes and to treat the community as socially and economically backward classes, to extend reservation in educational institutions and for public

appointments. Directions were also issued to the Govt. to take steps to create public awareness so that Transgender people feel that they are also part and parcel of the social life and be not treated as untouchables; take measures to regain their respect and place in society; and seriously address the problems such as fear, shame, gender dysphoria, social pressure, depression, suicidal tendencies and social stigma.

The time has been changing visibly for this community as the constant efforts made by different NGOs in India and the decision rendered by the Hon'ble Supreme Court of India, transgender community has started experiencing the inclusion by the society which kept them aloof and excluded for years altogether. Now the group of transgender people called hijras have been legally granted voting rights as a third sex. In 2013, transgender and gender activists S. Swapna staged a protest demanding reservation and to permit alternate genders to appear for examinations conducted by TNPSC, UPSC, SSC and Bank Exams and thereafter, successfully approach the Madras High Court in 2013 seeking permission to write the TNPSC Group II exam as a 'woman' candidate and at present is the first trans person to clear TNPSC Group IV exams. On 24 April 2015, the Rajya Sabha unanimously passed the Rights of Transgender Persons Bill, 2014 guaranteeing rights and entitlements, reservations in education and jobs (2% reservation in government jobs), legal aid, pensions, unemployment allowances and skill development for transgender people. It also contains provisions to prohibit discrimination in employment as well as prevent abuse, violence and exploitation of transgender people. The bill also provides for the establishment of welfare boards at the centre and state level as well as for transgender rights courts. Thereafter, the Transgender Persons (Protection of Rights) Bill, 2016, was introduced to Parliament in August 2016, but was re-introduced to Parliament in late 2017.

Similarly, in other parts of the country, as a sequel to the efforts made to include the community in the mainstream, the states of Tamil Nadu and Kerala being the first Indian states introduced a transgender (hijra/aravani) welfare policy. According to the transgender welfare policy, transgender people were able to access free sex reassignment surgery (SRS) in government hospitals

(only for male-to-female); free housing program; various citizenship documents; admission in government colleges with full scholarship for higher studies; alternative sources of livelihood through formation of self-help groups (for savings) and initiating income-generation programmes (IGP). Tamil Nadu was also the first state to form a transgender welfare board with representatives from the transgender community.

The state of Odisha enacted welfare benefits for transgender people, giving them the same benefits as those living below the poverty line. This was aimed at improving their overall social and economic status, according to the Odisha Department of Social Security. In 2017, the Ministry of Drinking Water and Sanitation instructed states to allow transgender people to use the public toilet of their choice. In the same year, the Chief Minister of Andhra Pradesh, announced the enactment of pension plans for transgender people. According to the policy, the State Government provides an amount of ₹1,500 per month to each transgender person above the age of 18 for social security pensions. In addition, the Government also constructs special toilets in public places, like malls and cinema halls, for transgender people.

All India Hijra Kalyan Sabha got the voting rights in the year, 1994 and in the year 1996 Kali stood for elections in Patna under the then Judicial Reform Party and gave the Janata Dal and the BJP a bit of a fight. Munni ran for the elections as well for South Mumbai that year but both of them lost. After the defeat of Kali and Munni, three years later, Kamla Jaan ran and won the position of the Mayor of Katni. Later, Shabnam Mausi was elected to the Legislative Assembly of Madhya Pradesh in 2002 as well. Over the next few years, multiple other transgender candidates won office. These include Heera who won a seat at the City Council of Jabalpur and Gulshan who was elected to the City Council in Bina Etawa. In December 2000, Asha Devi became the Mayor of Gorakhpur, and Kallu Kinnar was elected to the City Council in Varanasi.

Shabnam Mausi became the first transgender or hijra of India to be elected to a public office. She was an elected member of the Madhya Pradesh State Legislative Assembly from 1998 to 2003. In 2000, Shabnam Mausi became India's first eunuch MP. In 2003, hijras in Madhya Pradesh announced the establishment of their own political party called "Jeeti

Jitayi Politics" (JJP), which literally means 'politics that has already been won'. Heera Bai became the first member of the Telangana Legislative Assembly to win a seat.

Kalki Subramaniam was another transgender rights activist, writer and an actor whileas, Madhu Bai Kinnar got elected as the Mayor of Raigarh, Chhattisgarh.

Manabi Bandopadhyay became India's first transgender college principal when she assumed the role of principal of the Krishnagar Women's College in Nadia district, West Bengal whereas, K. Prithika Yashini became the first transgender police officer in the state of Tamil Nadu. Even the dialogue of famous movie Sholey was set at rest as Govt. Of Chattisgarh become the first Indian state to recruit transgenders in the police force in order to promote gender equality. In the state of J&K, BPL status for transgenders alongwith free life and medical insurance cover and a monthly sustenance pension on the pattern of old age pension was proposed by the Govt. during the budget presentation, 2018.

Though much has been done by different Govt. to address the issue yet a lot more is still required to be done for which we all must endeavor and strive hard to take every possible step which leads to the inclusion of the "third gender" and make this country united and free from gender bias.

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