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### RESEARCH ARTICLE

## SOCIO-ECONOMIC CONDITIONS AND SOCIAL ACCEPTANCE OF TRANSGENDER COMMUNITY: AN EMPIRICAL STUDY

Dr. Chandra Shekhar Singh<sup>1</sup> and Ajay Kumar<sup>2</sup>

1. Assistant Professor, Department of Sociology, Lovely Professional University, Punjab.
2. Research Scholar, Department of Sociology, Lovely Professional University, Punjab.

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### Abstract

Recent years have seen a significant increase in the prominence and attention given to human rights discussions and debates. Moreover, a lot of world leaders continue to yearn for the successful and complete implementation of their vision of a just society. In a variety of settings, a number of academicians, philosophers, and leaders have disputed this idealistic notion of creating a just society. They argue that a number of stratifying factors, such as caste, class, economic status, and family values, have long caused division in our society. With the passage of time, this stratified society changed and started fining the minority that was less fortunate more and more. Similarly, a sizable segment of the populace referred to as the transgender community has been perceived as a disadvantaged facet of society as a result of various forms of social stratification and certain inherent genetic deficiencies. The transgender community has been unable to exercise even the most basic constitutional rights that are granted to every person under the country's constitution because of ignorance and inferiority complex. Members of the community have also been socially and economically excluded from society and have been unable to access government aid programs due to the gap created by the discrimination inside the community. Furthermore, transgender people are inadvertently reduced to the status of second-class citizens in a society guided by the constitutional ideals of liberty, equality, and fraternity because of a number of laws in the Indian context that only define Indian society in terms of male or female. The current study aims to comprehend the causes of the deprivations placed on transgender people in order to implement and formulate welfare measures specifically for the transgender community and enable its members to access constitutional and statutory mechanisms without facing any discrimination. It is imperative that we create practical measures immediately in order to lessen marginalization and make the transgender population's general socioeconomic growth a reality.

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**Corresponding Author:- Dr. Chandra Shekhar Singh**

Address:- Assistant Professor, Department of Sociology, Lovely Professional University,  
Punjab.

**Introduction:-**

The advancement of society in general and of the individual in particular is essential to the growth and prosperity of a country. If all facets of the society participate in its upliftment, a society can experience socioeconomic advancement. In Indian context, since independence, the nation has been on the path of progress and improving the socio-economic position of average citizen of India, yet, it's a truth that the Indian society is a highly stratified society. It is clear and prevalent that there is inequality between different social groups. Due to inequality and a lack of equal chances in Indian society, targeted welfare measures have been developed for those groups that have been overlooked and are not part of the dominant social structure. The development of treated welfare measures shows that society is aware of the existence of marginalized and discriminatory groups in society, who are unable to advance without these measures because of a lack of a natural ecosystem to support their development.

The government has defined specific social groups or communities, such as Scheduled Castes, Scheduled Tribes, and Other Backward Classes, and has adopted targeted welfare policies to improve the welfare of these groups and end discrimination. One such community that has always existed on the periphery of society is the transgender one, despite the fact that their presence is very noticeable there. Transgender people are strongly stigmatized in our culture. They encounter prejudice at work, in the hospital, in the classroom, and in public. Many people feel uncomfortable both at school and at home. Professionals that work with youth must try to be culturally competent when it comes to transgender matters, including upholding the rights and decisions of young people and promoting legal equality and social acceptance for transgender people. Since the beginning of independent India, this minority has experienced neglect and discrimination, which actually dates back to the British era.

The marginalization of the transgender community resulted in the community's members being denied opportunities for growth in areas such as education, employment, health, welfare laws, etc. Lack of access to these opportunities further distanced members of this community from the societal development peak and increased discrimination, trapping members of the transgender community in a cycle of blame and misery from which they will never be able to escape. The transgender community, which has been neglected in the nation's development story, needs to be the focus in order to integrate the transgender community into the mainstream societal environment, as it was already stated at the outset that a nation's prosperity depends on the prosperity of all individuals without any discrimination.

**Research Framework:**

The study was founded on the entire paradigm that is pertinent for the study of the transgender community, including the transgender community's historical perspective, their social and legal status in the nation, as well as the study of the international framework of international laws and principles that may have an impact on the transgender community. The marginalization places the transgender community in the forefront of efforts to understand the causes of their social and legal adversity, the historical context of ignorance and adversity, and the sufficiency of the legal remedies available to them, so that suitable ways can be found which can help the government machinery to formulate and implement adequate measures for including this oppressed community in the mainstream society and this in nation. Every regime that controlled India, including the British and the Mughals, had an impact on how the transgender minority was viewed in society.

Vedic literature has a significant influence on Indian culture. In terms of accommodating transgender people in society with complete freedom and respect, the Vedic era of Indian society is considered to be the best. The actual denigration and discrimination of the transgender population began under British rule, when transgender people were seen as an anomaly in their conception of what a normal human being should be. The Criminal Tribes Act of 1871 and Section 377 of the Indian Penal Code of 1860 were deliberate attempts to marginalize and push the third gender population to the periphery of society. The discrimination and marginalization that had started during British rule in India persisted even after independence as a result of the continuation of British authority in that country.

**Statement of the problem:**

In order to assure the protection and development of the transgender community, it is important to develop and implement a workable socio-legal policy.

**Objectives of the study:-**

1. To perform a thorough analysis of the term "transgender" in order to show how the evolution of sex and gender discourses directly affects how the transgender community is governed by the law.

2. To look at the current international situation involving transgender people's rights.
3. To evaluate critically the current transgender-related laws in India, concentrating on the LGBT Bill that is currently before the parliament.
4. To adopt a human rights perspective in order to provide practical answers that will help defend and uphold transgender rights.
5. To learn more about India's current legal framework recognizing transgender people's gender identities.
6. To offer viable legal options for India that would recognize transgender people's gender status.

### **Research Methodology:-**

The researchers have used an analytical and doctrinal research approach. Textbooks, journals, articles, periodicals, and other secondary sources of information are used to advance this study.

### **Scope of the study:**

The following key focal areas are included in the current study:

1. Examining the socio-legal status that transgender people currently hold in India.
2. Their awareness of the global framework for their defense.
3. Outlining strategies to improve the status of transgender people.

### **International perspectives:**

Governments are required by international human rights legislation to take specific actions or refrain from taking specific actions in order to advance and defend the fundamental freedoms of individuals or groups. The presentation and discussion of relevant international standards and obligations includes information on the U.N.'s, affiliated NGOs, and member state representatives' concerted efforts to protect LGBT people's human rights. The areas of well-known international legislation governing human rights that demand the abolition of any form of discrimination based on sexual orientation and gender identity, such as the Yogyakarta Principles. In addition, the United Nations General Assembly and Human Rights Council have made efforts to protect everyone's right to life, regardless of gender identity or sexual orientation, and the state is responsible for ensuring that people's rights to life, liberty, and security are protected regardless of sexual orientation or gender identity. Torture and other cruel, inhuman, or degrading treatment based on sexual orientation or gender identity is prohibited.

### **Social status of the transgender community in India:**

The study which focuses on inclusion in the political, educational, and economic spheres among other spheres. After a protracted battle, hijras now face a variety of dimensional issues like social and cultural boundaries separated from hereditary components. As a result, they live in disappointment and mortification their entire lives, which can imply that other issues and problems within society are at risk. The steps taken to bridge the gap and identify the parameters affecting inclusion are, in fact, still not that effective. On the other hand, small steps won't be successful until people approach them with greater openness. Transgender people will continue to live ignorant, reckless lives with quieted voices around them everywhere they go until they are stigmatized and the "third sex" is not seen as equal to the other two genders. The social marginalization of this mostly isolated minority not only perpetuates inequality and suffering in society, but also puts pressure on others and breeds violence and unrest. In the truest sense of the word, overcoming "exclusion" is the most fundamental prerequisite for creating an egalitarian society.

### **Analysis of legal rights of transgender in India:**

The Indian Constitution guarantees fundamental human rights to all citizens. This opportunity for the nation's transgender community to use their constitutionally granted human rights examines how gender identification functions in relation to other legal requirements as well as the exercise of human rights. It also considers the rulings from the Supreme Court, which have had a big impact on the transgender population. The most notable ruling for setting the path for the implementation of statutory measures for the transgender population is the NALSA(2014) judgment. Every person should have equal opportunities under the constitutional and statutory framework for social and economic order, without discrimination against any group within society. The Supreme Court has already taken the first step in this direction by granting transgender people legal recognition of their identity. Until all laws and constitutional provisions embrace the third gender in addition to male and female, the process of assimilating the transgender people into society and providing them with equal opportunities will remain unfinished. In order to give the transgender population the same possibilities as other segments of society, it is imperative that the phrase "third gender" be included in such regulations in accordance with the NALSA ruling and The Transgender Persons (Protection of Rights) Act, 2019. To ensure equality for the transgender and LGBT communities, the word "sex" in

Article 15 of the Constitution must be altered to "gender" or "any gender orientation." To ensure that these rules are fair to the transgender population, the legal gap must be addressed in conjunction with other civil and criminal legislation.

### **Suggestions & Recommendations:-**

The Act's glaring absence of provisions has understandably devastated the transgender community in India. It appears that a statute with glaring loopholes ruined any sincere desire on the part of the government to assist in bettering their lives. It seems to deliberately disregard the community's pressing issues, which call for the legislation to clearly support them. The government of India is sending a very obvious message to the transgender community: it does not wish to understand, nor does it understand, their problems. The researcher had recommended specific actions for streamlining the community with other segments of society based on the thorough research.

- Making reservations for members of the transgender community in jobs and education.
- The Transgender Person (Protection of Rights) Act of 2019 stipulates that the punishment for abuse must be in line with the provisions of the Indian Penal Code that apply to other citizens of the nation.
- In order to accommodate the third gender, civil laws including the 1937 Shariat Act, the 1955 Hindu Succession Act, and the 1955 Hindu Marriage Act must be changed.
- It is necessary to alter criminal laws, such as the Indian Penal Code 1860, the Criminal Procedure Code 1973, the Protection from Domestic Violence Act of 2005, and the Indecent Representation of Women (Prohibition) Act of 1986, to include the third gender term.
- Third gender provisions should be included in other legislation, such as the Companies Act, the Mines Act of 1952, the Factories Act of 1948, the National Food Security Act of 2013, and the National Rural Employment Guarantee Act of 2005.
- Promotion of transgender community members' participation in self-help groups for economic inclusion.
- A forceful public awareness effort launched by the government to persuade people to accept the transgender community and shift societal perceptions.

In closing, the researcher expressed the hope that the transgender community will benefit from the research's findings. The community's accomplishment in upholding its rights can be observed in the context of recent cases where the judiciary ruled in this community's favor. As a result, I believe that transgender people will soon see the light thanks to society's welcoming attitude and the nation's judicial activism, which aims to secure the constitutional mandate intended by the framers. The researcher has proposed methods that will aid in the empowerment of transgender community members and ensure their rights as equal citizens of this nation, based on the research and the aforementioned conclusions.

### **Conclusion:-**

The study's findings give us cause for optimism because they demonstrate the various methods in which national and local governments, courts, legislatures, and national and regional human rights organizations are carrying out their mandates to address this crucial human rights issue. However, significant obstacles still exist. While many nations have made positive strides, these have typically fallen short of the coordinated approach needed to address violence and discrimination against LGBT and intersex individuals. The rights of transgender persons and intersex individuals have received significantly less attention than the rights of gay men and lesbians, even in the nations that have arguably made the greatest progress in this regard. The report also emphasizes the need for rigorous examination of the efficacy of State actions to address the injustices that LGBT and intersex individuals encounter, as well as for more statistics on the human rights condition of these groups. One vulnerable segment of society has always been the transgender community. Because of two main factors—deep cultural biases and the state's incapacity to safeguard rights—transgender people have traditionally been excluded from the main strata of society. Despite being acknowledged by the Supreme Court, transgender people were not protected by any laws at the time, and there was no legislation pertaining to their rights. The Transgender Person (Protection of Rights) Act, 2019 was passed by the parliament in response to the lack of legislation in India protecting transgender people's rights and in accordance with the directive of the NALSA ruling. The act has numerous flaws, which undermines its goal of promoting the welfare of the transgender population. Instead, it puts them under even more social restraints. When society is open to change, the law can be applied efficiently. Therefore, it is imperative that the current legal framework be changed in order to ensure the welfare of transgender people, as well as social acceptability. In order to put an end to human rights violations based on sexual orientation, gender identity and expression, and sex

characteristics, it is necessary to galvanize the renewed efforts and resolve of States, national human rights institutions, civil society organizations, regional organizations, and members of the United Nations family.

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