



Challenges to Transgenders in India

For Prelims: [Transgender Persons \(Protection of Rights\) Act, 2019](#), [NALSA Judgement 2014](#), [Transgender Persons \(Protection of Rights\) Rules, 2020](#), [Garima Greh.](#)

For Mains: Indian Society and the Challenges faced by Transgenders, Reforms for Transgender Persons, Transgender Persons (Protection of Rights) Act - Provisions and Associated Concerns

[Source: TH](#)

Why in News?

31st March is observed as **International Transgender Day of Visibility** to raise awareness about the discrimination, and violence faced by transgender individuals.

- Despite the enactment of the [Transgender Persons \(Protection of Rights\) Act, 2019](#), the community continues to face challenges, highlighting the gap between legal provisions and ground realities.

Who is a Transgender?

- **About:** According to [Transgender Persons \(Protection of Rights\) Act, 2019](#), a transgender person is someone **whose gender identity does not align with the gender assigned at birth**.
- **Population:** According to the [Census 2011](#), they have a population of around **4.8 million**. It includes **trans-person with intersex variations, gender-queer** and people having such socio-cultural identities as **kinnar, hijra, aaravani and jogta**.
- **Part of LGBTQIA+:** Transgender individuals are part of the [LGBTQIA+](#) community, represented by the "T" in the acronym.
 - [LGBTQIA+](#) is an acronym that represents **lesbian, gay, bisexual, transgender, queer, intersex, and asexual**.
 - The "+" represents the many other identities that are **still being explored and understood**.
 - The acronym is constantly evolving and may include other terms like **non-binary and pansexual**.

What are the Challenges Faced by Transgenders in India?

- **Implementation Gaps:** Despite the 2019 Act mandating timely support for transgender persons, only **65% of ID card** applications had been processed by December 2023, with over 3,200 applications delayed beyond the 30-day legal deadline.
 - The **complex certification process** hinders **self-identification** and fails to address issues like **police harassment and family rejection**.
- **Social Discrimination:** Transgender individuals in India face widespread rejection, bullying, and

discrimination, leading to **poor mental health- 31% die by suicide, and 50% attempt it** before age 20.

- A [NALSA](#) survey found **27% were denied care** due to gender identity. **Gender-affirming treatments** cost Rs 2–5 lakh, often **uncovered by insurance**.
- Despite [Ayushman Bharat TG Plus](#) offering **Rs 5 lakh** annual coverage, **awareness and accessibility are limited**.
- **Economic Exclusion:** People face **restricted employment and entrepreneurship opportunities** due to **hiring biases, workplace hostility**, and lack of gender-neutral facilities.
 - **92%** face economic exclusion (**NHRC 2018**), with a **48%** unemployment rate (**ILO 2022**). Despite a **2024 circular on joint bank accounts**, financial access remains limited due to poor awareness and institutional gaps.
- **Barriers in Education:** Transgenders in India have a **literacy rate of 56.1%**, below the **national average (74%) (2011 Census)**. While states like Maharashtra and Kerala have introduced inclusive measures, a **nationwide gender-sensitive curriculum is lacking**.

What is Transgender Persons (Protection of Rights) Act, 2019?

- **About:** The Act aims to **protect the rights of transgender persons** and provide a **legal framework** for their empowerment.
- **Key Provisions:**
 - **Non-Discrimination:** Prohibits discrimination in education, employment, healthcare, and public services.
 - **Self-Identification:** Grants the right to self-perceived gender identity, with certificates issued by district magistrates without medical exams.
 - **Medical Care:** Ensures access to gender-affirming treatments and HIV surveillance with insurance coverage.
 - **National Council:** Under this act [National Council for Transgender Persons \(NCTP\)](#) was established as a **statutory body** in **2020**.

Key Milestones in Transgender Rights Reforms

- **Election Commission's Directive (2009):** The registration forms were updated to include an **"others" option**, enabling transgender individuals to avoid male or female identification.
- **Supreme Court Ruling (2014):** In the [National Legal Services Authority vs. Union of India case, 2014](#), the Supreme Court recognized transgender people as the **"Third Gender,"** framing it as a human rights issue.
- **Legislative Efforts (2019):** The **Transgender Persons (Protection of Rights) Act, 2019** was enacted to safeguard the rights of transgender individuals.

What is India's Effort for Transgender Welfare?

- [SMILE scheme](#)
- [Garima Greh](#)
- [Ayushman Bharat TG Plus](#)
- [National Portal for Transgender Persons](#)
- **Transgender Pension Scheme:** Transgender individuals are now eligible for the disability pension scheme, with the inclusion of a "transgender" option in the disability form.
- **Recognition in Indian Prisons:** In January 2022, the Ministry of Home Affairs sent an advisory to Heads of Prisons in the States/UTs to [ensure privacy, dignity of the third gender inmates](#).
- **State-Level Efforts:** Maharashtra has established **transgender cells in colleges**, while Kerala provides **university-level reservations and hostel facilities for transgender persons**.

Way Forward

- **Strengthening Legal Framework:** Transgender Persons (Protection of Rights) Act, 2019 needs to be implemented in letter and spirit to **ensure timely welfare access**.
- **Economic Empowerment:** Gender-inclusive policies, diversity hiring, and financial schemes are vital. Scaling models like **Tata Steel's** can boost participation.
 - A **2021 World Bank report** estimates a **1.7% GDP** rise if transgender individuals are integrated into the workforce.
- **Healthcare Access:** Insurance should cover gender-affirming treatments, and providers must receive **sensitivity training**. **Dedicated transgender clinics** and expanded mental health services are essential.
- **Promoting Social Awareness:** **Promote gender sensitisation in educational institutions and workplaces**, diverse media representation, and **cultural events like the Koovagam Festival**.
 - Awareness campaigns such as "I Am Also Human" are essential in challenging societal prejudices.
- **International Best Practices:** India can enhance transgender rights by adopting self-declaration of gender identity, gender-neutral policies, and anti-discrimination laws, inspired by countries like Argentina, Canada, and the UK.

Drishti Mains Question:

Discuss the challenges faced by transgender persons in India despite legal advancements. What measures are needed for their inclusion?

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims

Q. In India, Legal Services Authorities provide free legal services to which of the following type of citizens? (2020)

1. Person with an annual income of less than Rs. 1,00,000
2. Transgender with an annual income of less than Rs. 2,00,000
3. Member of Other Backward Classes (OBC) with an annual income of less than Rs. 3,00,000
4. All Senior Citizens

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 3 and 4 only
- (c) 2 and 3 only
- (d) 1 and 4 only

Ans: (a)