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Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmanagarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

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Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and

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GENDER BIAS TOWARD THE TRANSGENDERS IN HINDU COMMUNITY: AN EMPIRICAL STUDY

AUTHORED BY: ANNANYA SINGHAL

Student: 6th Semester B.A.LL. B

Christ Academy Institute of Law, Bengaluru, India

Phone No. 7351160001

E-Mail: annanya.singhal@calaw.in

ABSTRACT

Gender bias is the practice of giving preference to a particular individual or a particular group. The gender bias among the Transgender community is very much prevalent in India. The discrimination that the Transgender community faces is one of the great threats to the principles of equality and good conscience. The community of transgender often faces discrimination based on their gender. This research paper tries to analyze the discrimination that the transgender community faces through the survey conducted and the effects of it on the development of their community and also on the overall development of the country. The research paper also provides statistics about the discrimination that leads the transgender community to violence as well as indulging in unwanted activities.

Keywords: Transgender, Gender Bias, Gender Discrimination

INTRODUCTION

Gender Discrimination is one of the main problems that is faced by everyone all around the world. Gender identity refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth including the personal sense of the body and other expressions of gender, including dress, speech, and mannerisms. The term "gender-diverse" is used to refer to persons whose gender identity, including their gender expression, is at odds with what is perceived as being the gender norm in a particular context at a particular point in time, including those who do not place themselves in the male/female binary; the more specific term "trans" is used to describe persons who identify with a different sex than the one assigned to them at birth.

Trans persons are particularly vulnerable to human rights violations when their name and sex details in official documents do not match their gender identity or expression. Today, however, the vast majority of trans and gender-diverse persons in the world do not have access to gender recognition by the State. That scenario creates a legal vacuum and a climate that tacitly fosters stigma and prejudice against them.

At the root of the acts of violence and discrimination lies the intent to punish based on preconceived notions of what the victim's gender identity should be, with a binary understanding of what constitutes a male and a female, or the masculine and the feminine. These acts are invariably the manifestation of deeply entrenched stigma and prejudice, irrational hatred, and a form of gender-based violence, driven by an intention to punish those seen as defying gender norms.¹

STATEMENT OF THE PROBLEM

The equality is one of the basic principles that is granted under the Preamble of the Indian Constitution, but it has been certainly observed that the transgender community is deprived of their right to equality which affects them in a negative manner. The survey tries to find out the literacy and employment rate of the transgender community in India. The transgender community is mostly seen begging on the roads and this research paper tries to find the thinking of the society towards the transgender community as whether they support the equality towards the transgenders or not. It also tries to find out the reason for gender bias in society toward the transgender community.

RELEVANCE OF THE STUDY

The rights of trans people are protected by a range of international and regional mechanisms. Yet, punitive national laws, policies, and practices targeting transgender people, including complex procedures for changing identification documents, strip transgender people of their rights and limit access to justice. This results in gross violations of human rights on the part of state perpetrators and society at large. Transgender people's experience globally is that of extreme social exclusion that translates into increased vulnerability to HIV, and other diseases, including mental health conditions, limited access to education and employment, and loss of

¹ Vivek Divan, "Transgender Social Inclusion and equality: a pivotal path for development"

opportunities for economic and social advancement. In addition, hatred, and aggression towards a group of individuals who do not conform to social norms around gender manifest in frequent episodes of extreme violence towards transgender people. This violence often goes unpunished. Despite the dramatic progress of the transgender movement in the last decade, resulting in greater public awareness and significant legal victories, trans people continue to face blatant discrimination, high levels of violence, and poor health outcomes. Trans people of color often face markedly worse health and economic outcomes as they navigate multiple systems of oppression. We've highlighted some key issues below:

- **Health** – Transgender people face enormous health disparities, including staggering rates of HIV infection, lack of primary care (including individualized, medically necessary transition-related healthcare), and high rates of attempted suicide.
- **Economics** – Transgender people bear the economic consequences of discrimination, including high rates of poverty and unemployment, discrimination in education, and homelessness. Trans people are more than twice as likely to live in extreme poverty (earning under \$10,000 a year), with Latinx transgender people facing three-and-a-half times, and Black transgender people facing three times, the poverty rate of the general U.S. population.
- **Safety** – Transgender people, and Black transgender women especially, experience frightening levels of physical violence. This is particularly true among transgender people participating in sex work and other informal or criminalized economies. Brutal murders of transgender women occur with such alarming regularity, often with little response from law enforcement, that the **American Medical Association declared violence against transgender people an epidemic in 2019.**
- **Civil Rights** – Recognition and respect for the civil rights of trans people are critically important because their legal needs span many aspects of life. These needs include identity documents that accurately reflect who they are, protections from employment discrimination, and immigration rights, to name only a few.²

² James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Centre for Transgender Equality.

OBJECTIVES OF THE STUDY

The objectives of the study are to understand:

1. The importance of the transgender community in the development of a country.
2. The discrimination that the transgender community faces
3. The challenges that they face in the ways of discrimination and violence against them letting them indulge in unwanted activities.

HYPOTHESIS

The Transgender Community is facing a lot of discrimination on the basis of their gender which is leading them to unemployment and violence against them.

RESEARCH METHODOLOGY

The research methodology used in this research is Empirical. The data is collected through an online survey done by google form.

SURVEY STATISTICS:

The survey sample includes 83 individuals of all age groups consisting of 57.1% Females and 42.9% Males.

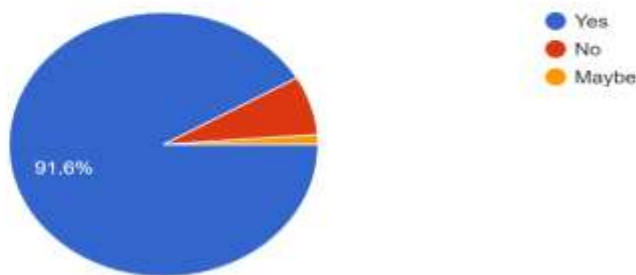
RESEARCH QUESTIONS

- A. What are the reasons for the discrimination towards the Transgender Community?
- B. What are the jobs the Transgender community performs being less or rarely employed?
- C. What could be the solutions for the upliftment of the transgender community?

The existence of the third gender had always been in question based on their gender. They form a large part of society but the knowledge about them among the people is one of the important questions that this research paper tries to answer.

4. Do you know who are Transgenders?

83 responses



The ways exclusion affects transgender lives are interconnected. Stigma and transphobia lead to isolation, poverty, violence, lack of social and economic support systems, and poor health. Transgender people who express their gender identity from an early age are often rejected by their families. Unless they are evicted from their homes, they are shunned in their homes, deprived of educational opportunities, and unable to attend to their mental and physical health needs. People who express their gender identity later in life are often rejected by mainstream society and social institutions when attempting to reverse gender socialization. Hostile environments that fail to understand trans people's needs threaten their safety and are ill-equipped to offer sensitive health and social services.

Such discriminatory and exclusionary environments fuel social vulnerability over a lifetime; trans people have few opportunities to pursue education, and greater odds of being unemployed, thereby experiencing inordinately high levels of homelessness and poverty. Trans students experience resentment, prejudice, and threatening environments in schools, which leads to significant drop-out rates, with few trans people advancing to higher education.

Workplace-related research on lesbian, gay, bisexual, and trans (LGBT) individuals reveals that trans workers are the most marginalized and are excluded from gainful employment, with discrimination occurring at all phases of the employment process, including recruitment, training opportunities, employee benefits, and access to job advancement.

Transphobia surrounding the lives of transgender people fosters violence against them. Documents from the last decade show a disproportionate rate of trans people being killed and the extreme forms of torture and inhumane treatment they are subjected to. Governments turn a blind eye when such atrocities are committed against

trans people. Trans sex workers are particularly vulnerable to police brutality, including rape, and may also be sexually exploited by those who are perceived as guardians of the law. Opportunities to lodge grievances are limited in these situations, and transgender complainants are often ignored when legally available channels are available.

Transgenders have been discriminated against always all places and that is the reason why the involvement of the transgender community is very less in almost every context. The literacy rate is very low due to the very low percentage of transgender's attending school. This automatically causes them to do odd jobs like entering the work of a prostitute or ending up begging on the roads.³

According to the survey conducted, questions were asked related to the presence of the Transgender community in society in the following fields:

1. In school

School is one of the most important areas where the development of the young youth starts up. Individuals who identify as transgender at an early age may face problems if their identity conflicts with traditional school protocol judgments, whether public or private. Discrimination can arise from classmates who make fun of or physically harm transgender people because of their transphobia. Because of incidents like this, Transgenders Remembrance Day was created to honour and remember gender-nonconforming people killed by prejudice.

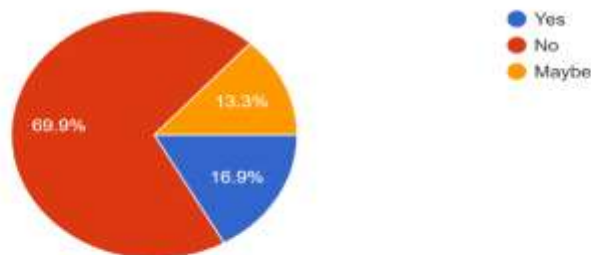
The percentage of the transgender community that attends the school is really shocking. According to the survey conducted 69.9% of the people have not seen any transgender students in their school. 13.3% of the surveyed people are not sure about their presence while only 16.9% people say the presence of any transgender community in their schools.

With such data it makes it clear that the area's literacy rate is very low among the transgender community which affects the overall development of the community affecting the overall literacy rate of the country. Such a percentage needs to be considered and by such statistics, it becomes clear that the transgender community is facing gender- bias in the community.

³ Ibid

5. Was there any transgender studying in your school?

83 responses

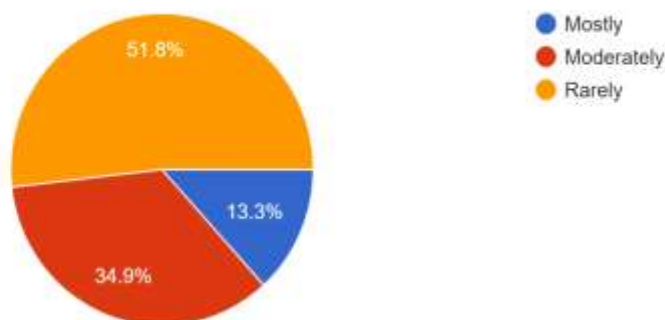


2. In work

The economic security of a person depends on their skills and educational qualifications. It was seen prior that the literacy rate of the community is very low which makes them excluded from approaching the employment opportunities. The survey conducted shows that only 13.3% of the surveyed people believed that they have seen transgenders mostly employees in their respective areas. 34.9% of the people believe that they have seen the transgender community working moderately while 51.8% of the surveyed people have not seen any transgender community working or even employed.

6. How often in your life you have seen any transgender working?

83 responses



The prior data has shown up that the transgender communities' employment activities. The works that the Transgender community is mostly found working on are found working in the following areas:

- **Prostitute**

According to the surveyed people, 6% of them have seen the transgender community working as a prostitute. The low percentage seems to show that the involvement is a positive sign but in

reality, prostitution is a work that where common man is not generally aware. So, it cannot be included as an exact percentage. The transgender community somehow has been seen in the prostitute work and its presence is unquestionable.

In general, sex workers appear to be at increased risk for serious work-related health problems, including physical and sexual assault, robbery, homicide, physical and mental health problems, and drug and alcohol addiction. Although all sex workers are at risk of the problems listed, some studies suggest that sex workers working on the streets are at higher risk of experiencing these problems. Transgender Sex Workers face high levels of discrimination both within and outside the sex industry and face HIV prevalence and violence as a result of their work. Moreover, in the absence of control and individual autonomy, a clear distinction must be made between consensual sex work and sex trafficking.

- **Begging**

According to the community, due to the lack of a sustainable income, they may be turning towards begging, but ensure that they do not indulge in criminal practices. Transgender beggars are a common sight at busy traffic signals at major city junctions. However, post lockdown, the number has suddenly gone up manifolds. Their annoying modus of coercing citizens to pay them money has not gone down well with several residents. The survey conducted shows that 72.3% of the transgender community are found begging on the roads. The scenario of COVID-19 has also aggravated the situation of the transgender community where the percentage has increased to a greater extent.

- **Government Sector**

7.2% of the transgender community had been found working according to the transgender community. The government job is found to be a well-settled job but the percentage of the contribution of the transgender community is very low. The decrease in the transgender community's employment can be seen as discrimination based on their gender.

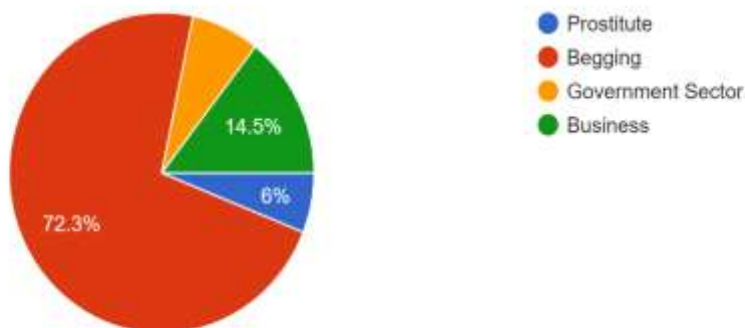
- **Business**

14.5% of the transgender community is found to be involved in business activities. The business activities are a great platform for them to increase their economic strata as per the whole community. The business can be of various forms, and it promotes them to increase the

participation of them towards the whole society and also for the overall development of the country.

7. If you have witnessed any transgender what work they were doing?

83 responses



REASONS FOR THE DISCRIMINATION TOWARDS THE TRANSGENDER COMMUNITY

- **POVERTY**

Poverty works both as a cause and an effect of sex work. Sex workers are a vulnerable population due to obstacles like poverty, poor health, and legal and social barriers. A study that collected information on sex work from transgender women of colour reported that for some transgender women sex work is a necessary means of survival. Despite engaging in higher-risk activity, transgender sex workers are more likely to receive lower pay than other sex workers. Transgender sex workers with a history of homelessness, unemployment, incarceration, mental health issues, violence, emotional, physical, or sexual abuse, or drug use are further at risk of being trapped in a cycle of poverty. Lack of economic opportunities outside of the sex work industry and discrimination may lead to transgender people entering sex work in order to generate income for rent, drugs, medicines, hormones, or gender-related surgeries. It is seen that sex work has become a necessary way for the survival of the transgender community which provides them with food, shelter, and basic amenities.

- **Health Conditions**

Demographically, sex workers which majority constitute transgenders are at increased risk of various health conditions, including HIV and other sexually transmitted

infections (STIs). The Centre for Disease Control and Prevention (CDC) reports a significant lack of information on HIV-positive transgender people because data on transgender people are not consistently collected. However, there is a lack of information about transgender people. Her HIV data for transgender female sex workers is urgently needed around the world, especially in Africa, Eastern Europe, and Central Asia. This global gap in available information is the result of structural barriers created by legal structures in various countries and the ongoing criminalization of sex work.

- **Discrimination**

All the statistics show that the transgender community played a very low role in society because of the discrimination faced by them in terms of gender which made them face discrimination. The discrimination towards them had also led them to face violence against them. If such discrimination is not stopped then the transgender community could be seen on the verge of extinction or will be seen in a lot of unwanted practices.

Unlawful discrimination against employees based on gender reassignment includes adverse treatment. Refusal of an employee's offer of employment, unfavourable terms, reduced promotion, or training opportunities.

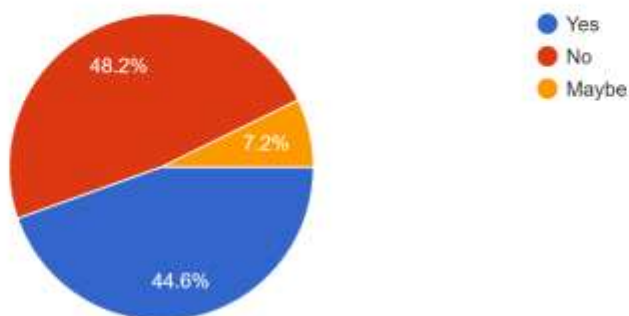
When a person engages in unwanted transsexual behavior that has the purpose or effect of violating the dignity of another person or of creating an intimidating, hostile, degrading, degrading or offensive environment, a person harassing people. It also applies to situations in which a person is treated less favourably because of their refusal or submission to the action. You may be subject to gender reassignment harassment if: Unwanted comments were published that were humiliated, ignored, and excluded.

- **Violent Practices**

According to the survey conducted the transgender community faces violent practices against them to a greater extent on the basis of gender. According to the survey, 44.6% of the people believed that the transgender community faces violent practices against them, 48.2% of the people surveyed believed that they don't face any discrimination based on their gender and 7.2% are not sure about any violent practices against the transgender.

9. Have you observed any violent practices taking place against the transgender community due to their gender?

83 responses



LOW INVOLVEMENT OF THE TRANSGENDER COMMUNITY

There may be varied reasons for the low involvement of the transgender community in society or the development of the country. According to the survey conducted the reasons for their low involvement were asked based on three reasons:

1. Discrimination towards their gender

43.4% of the surveyed people believed that the reason for their low involvement is due to their gender and this gender had led them to discrimination towards them.

2. Behaviour of Society

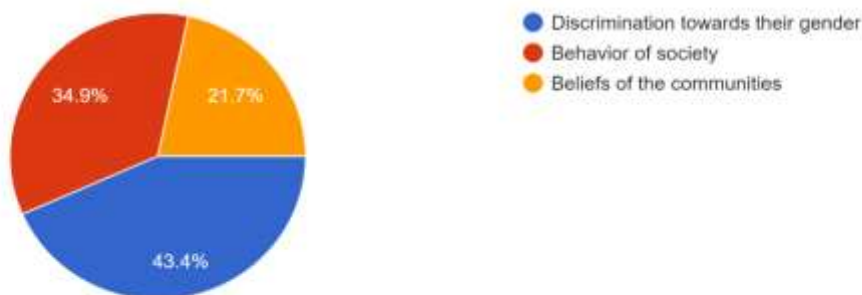
34.9% of the surveyed people believed that the behavior of the society towards the transgender community lead them to the low involvement with the society. The transgender community believed that the behavior that the people showed while facing or interacting with them made them feel excluded from society.

3. Beliefs of the Communities

21.7% of the people believed that the beliefs that the people have about the transgender community are the reason for their low involvement. They think about the transgender community as someone other than male and female existing in the society and that they are different and also need to be treated differently.

11. In your opinion, why do you think the involvement of the transgender community is less?

83 responses



SOLUTIONS

The community-based, client-centric, and gender-affirming approaches significantly improved the demand for and access to tailored health, HIV, psychological, social, and legal services for transgender people. Community involvement and collectivization approaches strengthened the self- and collective efficacy and identity of transgender communities and are greatly needed to address the unique needs of this marginalized group. Furthermore, structural changes in the legal and legislative framework to decriminalize sexual practices among transgender populations are a priority. The global 90-90-90 goals of controlling the HIV epidemic cannot be achieved unless the HIV and health needs of transgender populations are addressed through an inclusive, rights-based approach.

The psychology of the people needs to be changed so that they accept the transgender community as one of the parts of society. The filing of cases against discrimination towards the transgender community and also providing justice will lead them to increase their involvement in society.

The role of the National Council for Transgender Persons comprises of:

- Redressal of the grievances of Transgender Persons.
- To advise, monitor, and evaluate the impact of policies made by the Central Government relating to Transgender Persons.
- To oversee the work of various Governmental and Non-Governmental organizations that are dealing with matters relating to Transgender Persons.⁴

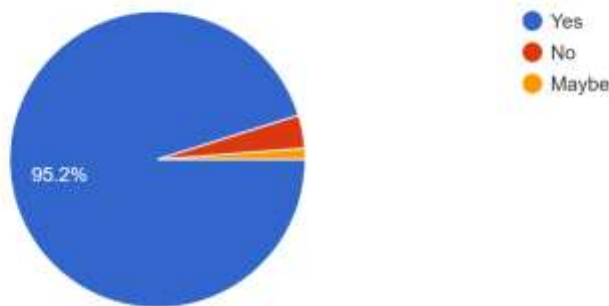
⁴ National Transgender Discrimination Survey: Full Report National Centre for Transgender Equality, 11 September 2012

The National Council for transgenders should be promoted to a greater extent.

As per the survey conducted majority of the people believe in the equality of genders which is a positive sign for promoting the betterment of the transgender community.

10. Do you believe in equality of genders?

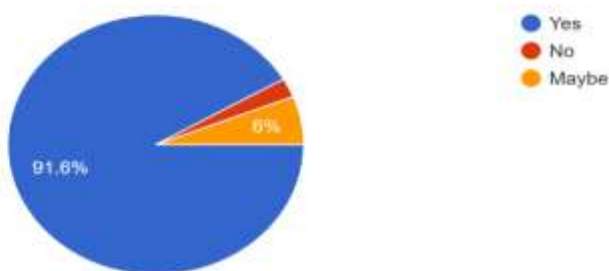
83 responses



The gender equality laws will also be another major factor in boosting the confidence of the transgender community. The survey people also answered about the positivism of the gender equality laws for the transgender community.

12. If any laws for the upliftment of the equal rights of the transgender community are made. Will you support them?

83 responses



CONCLUSION

The discrimination based on gender needs to be eradicated to follow up the principles of Art. 14 of the Indian Constitution and also to uplift the principles of natural justice as well. The involvement of the transgender community will help society as well as the country to prosper across the globe. The literacy rate of the transgender community should be considered and efforts to increase for the same needs to be addressed. The research paper had tried to throw light on the gender biases that are prevailing in society towards transgenders in various ways and the

reasons for the same. The solutions to increase the transgender community in society are also provided that they are considered and appropriate steps by the concerned authorities are taken up.

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