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HATE CRIME AGAINST TRANSGENDER COMMUNITY IN INDIA-ZAINAB SANA TARANNUM

India and many Asian countries have witnessed from the history existing of male gender variant males. Usually, Transgender term is used to define such categories of the people who do not fit into societies narrowly constructed gender norms. The history reveals the exploitation of the transgender, Kama Sutra mentions about Tritiya Prakriti who is known to perform fellatio. This Tritiya Prakriti was transgender who was believed to disguise female in the male body so they were used by the man who desired to have sexual relation with the man only. Since where used to have sex with the male they also known as eunuchs. The condition becomes very worse when British period starts in in India. The British tried to remove transgender from their own land. The present condition transgender community in India is suffering from both mental and as well as physical problems.

This paper will look at the crime against the transgender in India and their present condition in India about transgender society and government plains, laws regarding and sociological aspect of the transgender community.

KEYWORDS- transgender community, exploitation, prostitution and pathetic life.

CHAPTER I- INTRODUCTION

HISTORICAL BACKGROUND

Transgender is the umbrella term which is originated from U.S. which is used for the rage of people who are in conflict with gender norm of society¹. Today India is the home for many diverse community, one such community is Transgender in India which is 4.88 lacks² as per the census of 2011, and Transgender community is very old in its inception. This community is 4000 years old and the trace for it can be funded in the Kama sutra literature which is written between 400 BCE -200 CE, Kama Sutra is Hindu text which describes the human sexual behavior. As defined in the religious text the transgender or the Hijra community is an evident example of the diverse sexuality. The Hijra people group has been said in old writing, the most known about which is the Kama Sutra, a Hindu content on human sexual conduct composed at some point between 400 BCE and 200 CE. Hijra characters hold huge parts in the absolute most essential writings of Hinduism, including the Mahabharata and the Ramayana. One of the many types of Shiva, a vital Hindu god, includes him converging with his better half, Parvati, to wind up noticeably the gender ambiguous Ardhanari, who holds uncommon centrality to numerous in the Hijra people group³.

Transgender community comprises of Hijra, Jogappas, Kothis, eunuchs, Aravanis, ShivShakthi. Eunuchs are the people who is known as “keeper of the bed”. This community was used by the kings to guard the royal quarters. The trace of transgender can be found in the Hindu Law in Manusmriti it gives three condition or three origin of three sexes: A male child is created by a more prominent amount of male seed, a female child by the predominance of the female; if both are equivalent, a third-sex tyke or kid and young lady twins are delivered; if either are powerless or lacking in amount, a disappointment of origination comes about⁴. The Vedic Astrology divides each planet into three genders and the Mercury, Saturn and Ketu in particular are the planets which is devoted to the transgender community, the Puranas also mention three kinds of gods which are Apsara (female), Gandharva (male) and Kinnars (neuters).

¹ : DrLewis Turner, 'Transphobic hate crime in the European union' (A Research Project Sponsored by ILGA - European Press for Change, Stephen Whittle Ryan Combs 2009).

² 'Transgender/Others - Census 2011 India' (Census2011.co.in, 2015)

<<http://www.census2011.co.in/transgender.php>> accessed 15 November 2017.

³ Sridevi Nambiar, 'A Brief History of Hijra, India's Third Gender'

<<https://theculturetrip.com/asia/india/articles/a-brief-history-of-hijra-indias-third-gender/>> accessed 15 November 2017.

⁴ M. Michelraj, 'Historical Evolution of Transgender Community in India' (2015) 4 Asian Review of Social Sciences.

MEDIEVAL PERIOD

The condition of transgender got better with Islamic empires particularly with Ottoman and Mughal Empire, they were considered as trustworthy and not like Ancient world where they were considered as mistake or incapable of doing anything, they were appointed at most important post such as administrators, and advisers since they cannot hurt women sexually and were physically much more strong they were appointed as the guardians of Haram. They were called with new name *Khawjasaras* which give them respect and dignity among the mainstream society they were appointed as domestic help and they were trained as religious nuances. During this period transgender community get most of the respect and dignity. They were considered special it was believed to be very keen to the god and that is why they were appointed in the religious institution such as Macca and Medina Transgender were considered very nearer to prophet Mohammed and that is why during medieval age they were appointed on the important post which is only appointed to very trust worthy people. Unlike Ancient India where the transgender community is marginalized in Medieval India they are mixed with main stream society.

CONTEMPORARY PROBLEMS OF HIJRA COMMUNITY

The exploitation of Hijra community starts onset of British rule after the 1871 Criminal Tribes Act, an endless loop of oppression against transgender started in the British India. Corrupted to criminal tribe with hereditary imperfections, transgender lost their regal status and progressively were prohibited from all respectable groups of friends. Such is the energy of the ace that slaves and hirelings mold their own chains of importance of inadequacy among themselves. All assigned criminal tribes under the 1871 Act endured social corruption and mistreatment however transgender were the hardest hit.

Keeping in mind the end goal to survive, some transgender took to moving performed at the birth of child in the family, some started gathering wadhais (tips). Some built up the blissful specialty of clapping and dancing. Some built up the specialty of parodying and were welcome to the wedding banquets of the well-to-do to ridicule the prepare, the visitors, and even the lawmakers. They assumed an indistinguishable part of entertaining private social affairs from do late-night TV comics in the United States. Some transgender took to asking, some to prostitution, and some to culpability, in this way satisfying the prediction of the 1871 Criminal Tribes Act.

After the British left India and Pakistan, the Criminal Tribes Act was revoked as for

transgender. In any case, the harm done to transgender was unsalvageable. Transgender lost social regard and different generalizations have been worked to embarrass and markdown the transgender group.

A deprecatory word khusra is in dynamic cash to criticize the identity of transgender. Companions may prod a female looking companion as a khusra⁵.

HATE CRIMES

Hate Crimes is influenced by fear and hate these two are the main components of the hate crime from thousand years. A hate crime can range from vandalism to genocide⁶. An example of hate crime can be torture of Jewish after First World War when Germany was defeated them feel powerless and they consider sole reason of their defeat was because they have Jewish population. After First World War Jewish people feel a lot of crimes against them which can be said as hate crime in nature.

After the landmark judgment of National legal Service authority where the supreme court of India has declared Hijra as the third gender in this case Supreme Court of India observe that "the spirit of the Constitution is to provide equal opportunity to every citizen to create and achieve their potential irrespective of caste, religion or gender"⁷, but after the despite the decision the problems and the violence which the transgender community has to face is continue to be unabated⁸.

Hate crime is defined as the offence in which victim is targeted because of his/her race, sex, disability or sexual orientation (Sullaway, 2004)⁹. The hate crimes is considered very serious threat to the society, it usually occur because of membership of victim in a social group which is race, color, ethnic origin, nationality or national origins religion, gender or gender identity ,sexual orientation and disability. As defined by United Nation Supreme Court a hate crime is "On the off chance that a man purposefully chooses the individual against whom the wrongdoing is carried out or chooses the property which is harmed or generally influenced by the wrongdoing on account of race, religion, shading, incapacity, sexual introduction, national inception or parentage of that individual or the proprietor or tenant of that property, the

⁵ Liaquat Ali Khan, 'Transgender Dignity in Islam' <https://www.huffingtonpost.com/liaquat-ali-khan/transgender-dignity-in-is_b_10089712.html> accessed 18 November 2017.

⁶ 'Hate Crimes: Instructor & Student Outline' (New Mexico Law Enforcement Academy).

⁷ National Legal Services Authority v Union of India [2014] SC, 5 SCC (SC).

⁸ Shiv Bhatt v State of NCT of Delhi & ors [2015] Delhi HC, SCC Online Del (Delhi HC)

⁹ Key Sun, 'The Legal Definition Of Hate Crime And The Hate Offender's Distorted Cognitions' (2006) 27 Issues in Mental Health Nursing <<https://www.psychologytoday.com/sites/default/files/attachments/35629/the-legal-definition-hate-crime.pdf>> accessed 19 November 2017.

punishments for the basic violations are expanded¹⁰." Hate crimes is developed by the prejudice and hate and Transgender people mostly the victim of hate crime because they will not fit into the norms of gender which is set up by the society their gender identity does not match to the appearance or autonomy.

Difference between Hate Crime and Other Crime

Hate Crimes is different from the other crime because of its nature, the hate crime is indeed have great impact on the victim as compare to the normal crime, hate crime also disturb public peace and tranquility because it attack on the victim's identity¹¹. Hate crime usually occur when people is not able to accept change or any diversity which exist in the other person.

A bias crime is likewise an offense against a man or property spurred in entire or to a limited extent by the guilty party's predisposition against a race, religion, inability, ethnic starting point, sexual introduction or sex personality BUT may not ascend to the level of a wrongdoing. Predisposition episodes incorporate unfriendly conditions and badgering conduct that is serious, relentless or unavoidable to the point that it undermines an individual or limits the capacity of the person to work, contemplate, or take an interest in College life¹².

TRANSGENDER AND HATE CRIME

Transgender people face a lot of difficulty in the society. The crime which is against transgender is termed as *Transphobia*. Transphobic loathe wrongdoing is a wrongdoing or occurrence which is inspired by the culprit's partiality or threatening vibe toward transsexual or transgender individuals or the casualties saw trans identity. Transphobia is an emotional disgust toward individuals who do not conform to society's gender expectations. Similar to homophobia, the fear or a version to homo sexual (e.g., Weinberg, 1972), transphobia involves the feeling of revulsion to masculine women, feminine men, cross-dressers, transgene derists, and/or transsexuals...The "phobia" suffixes used to imply an irrational fear or hatred, one that is at least partly perpetuated by cultural ideology. (Hill and Willoughby 2005:91).

The concept of transphobia is the socio-culture ideology of gender non conformity of the transgender people.

¹⁰ *Wisconsin v Mitchell* [1993] US Supreme Court, 508 US (US Supreme Court).

¹¹ Dr Lewis Turner, 'Transphobic Hate Crime in the European Union' (A Research Project tSponsored by ILGA- European Press for Change, Professor Stephen Whittle Ryan Combs 2009).

¹² 'Difference between a Hate Crime and a Bias Incident' (Davidson.edu, 2017)

<<https://www.davidson.edu/student-life/multicultural-life/hate-crime-and-bias-incidents>> accessed 23 November 2017.

Outline of other chapter

The coming chapter will deal with earlier studies which has been taken in this field, it will act as frame work for the researcher. Then next chapter will deal with the review of literature which will explain the contribution of earlier study in the field of hate crime and transgender, after that methodology chapter will explain the methods of data collection, the next chapter will deal with analysis and the discussion for the data collected.

CHAPTER II- REVIEW OF LITERATURE

INTRODUCTION

The review of literature was a wayward for research. This will help the researcher to guide through the research. This reviewing will help the researcher to decide the variables for the study. The researcher have combined the literature review but not in chronological order it is based on the preference of the researcher. Even though the Indian literature was very little they have contributed and guided the researchers.

REVIEWING THE THEROTICAL LITRATURE

Transgenderist is the term coined by Virgina during the cross dressed movement during 1970 in USA, (Valentine 2007; Stryker 2008; Bettcher 2009). According to Bettcher(2009) transgender is an umbrella term which is used for the person who do not conform with the gender and they are living with the gender not assign to them. Beasley 2005 defined transgender as people who rejects socially assigned gender and refuse themselves to put themselves in man and women binary.

➤ Socio- Economic struggles of Transgender community

The transgender community is not mainstream community which means that transgender community does not mix with the main stream public of community. Winfeld (2005:198) has done study on the transgender of USA and founded that 60% of respondent has faced some kind of harassment and 37% of respondent has faced economic discrimination. Weiss (2001:191) researched the sexual orientation station framework as far as personality, security, and heteronormativity and called attention to that these confusions stayed unacknowledged in light of the fact that the heteronormative standard embraced in the cutting edge society. De Line (2011:57) evaluated the status and issues of transsexuals who are stuck at the fringe between the genders and noticed that transsexuals were gotten between the fallen angel and

Remote Ocean without appropriate social activism and intercession of the state. The investigation proposed that transsexuals ought to be qualified for fairness under the steady gaze of the law and urged to acquire appropriate character archives and welfare benefits in present day society.

Hodel (2011:94) assessed the situation of Indonesia's transgender couples who were encompassed by dread and oppression by virtue of the customary outlook of the regular folks and law implementation specialists. The researcher recommended that the transgender couples ought not be victimized and urged to live and develop calmly in present day society on philanthropic grounds.

Houston (2011:96) examined the situation of transsexual sex laborers who kept on staying as the most powerless area of the humankind in present day society. The researcher noticed that transsexuals needed to rely upon prostitution with a specific end goal to acquire their bread and spread without reasonable instructive and work openings. The investigation likewise uncovered that a large portion of the transsexuals remained physically defenseless, mentally discouraged and financially underestimated because of absence of established help and formative measures. Suicide Prevention Resource Center Education Development Center (2008:173) has done study on the suicide risk of transgender community are most prone to commit suicide because they faced a lot of discrimination socially and economically. Moumneh (2011:131) noted that in the Middle East area founded that in Asian transgender role shift can be seen the scholar suggested that policy maker change their mindset and consider the realities of life. Ring (2011:154) noted that the transgender does not have voter ID because of their sexual orientation and identity. Greytak, Diaz and Kosciw (2009) have submitted their report known as 'harsh realities' has studied and compared the group of transgender students and students who were frequently bullied their report shows that trans students who routinely experienced badgering in view of their sexual introduction had a normal GPA of 2.2, analyzed with a GPA of 3.0 for trans students who were never or once in a while bugged. By differentiate, every now and again bugged LGBT understudies as a gathering had a normal GPA drop of four focuses. Tormenting and badgering is twice as inconvenient to transgender understudies as it is to their lesbian, gay and androgynous companions.

In the report made by national center transgender equality titled as 'National Transgender Discrimination Survey: Full Report' their major findings suggest that 63% of respondent had faced some kind discrimination which will affect their quality of life either emotionally or financially. Julia Sonenshein in her study in Callen-Lorde Community Health Center in New York City, funded out that that overcoming poverty is very hard for the transgender and the

transgender people cannot find employment in their young age. Crosby Burns and Jeff Krehely had done study on the transgender of U.S. and the exploitation and discrimination against one of aspect of their study deal with why people of U.S. find difficult to hire and employ transgender community they found that one of reason is that people feel uncomfortable to work with transgender people, people are not able to accept that transgenderism is normal phenomena. Transgender social standing is improving despite of the unfair treatment given to them at work place which gives way to law and authority for protecting them. Their study suggested that 10% of transgender and gay receive 32% less salaries then heterosexual man and women.

Weiss (2004:192) analyzed the transgender HR arrangements in U.S. bosses and noticed that as a result of its natural uncertainty, transgender personality in HR approaches is tricky to the degree that businesses improperly assume that the class of transgender is genuine, material and stable. The investigation uncovered that early-embracing businesses for the most part comprehended these strategies through levelheaded myths since they accepted transgender HR strategies improve their appeal to non-transgender workers by giving authenticity on bosses, and that such improvement is both critical and pressing. The researcher brought up that the transgender personality, be that as it may, does not adjust to these myths and there is an expansive hole between the truth of transgender representatives and the comprehension of managers in the investigation territory.

➤ **Health Care Issues Of Transgender Community**

The transgender community face a lot of health disparity as well as the discrimination and stigma, because this much of health disparity the risk of HIV/AIDS increase in the transgender i.e. Hijra community. The health issue of transgender from the beginning get into the notice of researchers and the scholars in fact this issue was first recognized by the American Public Health Association and pass the regulation in 1999 year. The transgender community is socially and economically marginalized in India as well as developing nation. The vast majority of them are known to be HIV positive which positive represents numerous wellbeing dangers.

They are additionally denied of proper STD treatment offices because of nonappearance of social concern. They are prevented from securing therapeutic protection and medicinal services offices in present day society. Thusly, high rates of fixation, sadness, tension and suicide among male to female transsexuals bear witness to the mental weight of segregation, detachment and exploitation. The outstanding ponders concerning the medical problems of transsexuals are displayed under this segment.

Emilia Lombardi in her study titled as 'Enhancing Transgender Health Care' has mentioned that in study done in U.S. citizen 60% of transgender citizen faced some kind of harassment and 37% faced violence. In another study on transgender of San Fresno on transgender reveals that most of them are suffering from drug and alcohol abuse, also the educational standards are very low in transgender community. The studies have shown that transgender in San Fresno usually suffered from the sexual transmitted disease because of they have very less job opportunity so they have to practice what is easily available. This study also reveals the poor health care in the cities and usually transgender have to use the used needle because of the traditional myths about transgender. Transgender community may refused to get help of service provider because the discrimination activities of service provider.

Asscheman and Eklund (2002:06) contemplated the mortality and dismalness in transsexual patients with cross-sex hormone treatment and noticed that the number of passings in male-to-female transsexuals was five times the number expected, due to expanded quantities of suicide and demise of obscure reason. The examination uncovered that consolidated treatment with estrogen and cyproterone acetic acid derivation in 303 male-to-female transsexuals was related with a 45-crease increment of thromboembolic occasions, hyper prolactinemia (400-crease), depressive mind-set changes (15-overlay), and transient height of liver proteins. The androgen treatment in 122 female-to-male transsexuals was related with weight increment >10% (17.2%) and skin break out (12.3%). In the two gatherings steady liver compound irregularities could be credited to different causes than sex steroids (hepatitis B and liquor manhandle).

Contribution of Benjamin (1966:17) is unique in this field his scitific study done on transexukism and sexual conversion suggested that many doctors did not know the the problems of transgender with reference to sexual conversion.

Slabbekoom et.al. (2001:166) assessed the impacts of cross-sex hormone treatment on emotionality in transsexuals and noticed that changing testosterone levels effects affected the temperaments, the progressions of physical attributes and sexuality of transsexuals. The investigation uncovered that the writing on the individual considerations and mental impacts of being transsexual gave off an impression of being chiefly from help gatherings or individual journals.

Hembree et.al. (2001:91) did an examination keeping in mind the end goal to plan rehearse rules on the endocrine treatment of transsexual patients on the premise of an prove based rule which was created utilizing the evaluating of suggestions, appraisal, improvement and assessment (GRADE) framework. The think about uncovered that transsexual people looked to build up the physical qualities of the proper sex which required a sheltered and compelling

hormone regimen. The researchers recommended that endocrine treatment would empower the transsexuals to pick up the advantage of important surgical sex reassignment. The researchers likewise featured the requirement for concealment of endogenous sex hormones, keeping up physiologic levels of sexual orientation fitting sex hormones and reconnaissance for known dangers and intricacies in grown-up transsexual people.

Parola, et.al (2009) has given detail analysis of surgical reassignment of the transgender community also the daily impact of surgical reassignment. The study suggest that there is no significant change in their mental health of transgender who have undergone surgical reassignment, but their was significant difference between the sexual and social life of transgender.

Research gap

Most of the article and research paper used in the reviewing was written by foreign authors so it may be possible that the phenomena which is common in foreign it will be completely different in Indian context. The study which has been reviewed is very old, so it can be possible that present scenario is totally different.

Conclusion

From the above study it is evident that the Indian study for the said topic is very less. So the researcher will contribute her study with Indian prospective. The researcher will also try to give the suggestion for changes in the policy, so that it could lead to better condition for transgender community in India.

CHAPTER- III METHODOLOGY

Introduction

The aim of this chapter is to provide the methodology for the research paper. In this research the research methodology which is used is qualitative. A qualitative Research is essentially exploratory research. It is utilized to pick up a comprehension of hidden reasons, feelings, and inspirations. It gives bits of knowledge into the issue or creates thoughts or theories for potential quantitative research. Subjective Research is additionally used to reveal drifts in thought and feelings, and plunge further into the issue. Subjective information accumulation strategies fluctuate utilizing unstructured or semi-organized systems.

Statement of Problem

The transgender community is the most marginalized community they face a lot of problem

with reference to their adjustment in the society. The transgender is the umbrella term which is used to describe the people whose gender identity expressions or behaviors not traditionally associated with their birth sex.

Operationally characterized, a Hijra alludes to a human individual who seems to have attributes of both the sexes that is manly and female. One who is dominantly physically male who might have experienced emasculation (evacuation of penis or potentially gonads), angioplasty, and bosom embeds and has taken upon a ladylike character wearing female clothing and asserting to be a piece of the Hijra group/religion with a Hijra personality. At the end of the day, a man who distinguishes oneself as inverse to the sex/sexual orientation relegated during childbirth and calls oneself a Hijra/transgender/lady/kothi.

The hate crime against transgender increase during nowadays, hate crime against transgender develop when their exist prejudice and hatred against the transgender community. Whittleetal 2007 in his study which is done in U.K. has suggested that 1 in 4 transgender face some kind of discrimination in employment and face a lot of discrimination in their social life. In the case of Shivani Bhat vs State Of Nct Of Delhi & Ors¹³, the hon'ble high court has view that transgender community instead of having rights which is given by constitution of india also recognized by supreme court in legal service case suffer discrimination in work place and physical violence and harassment because their behavior is inappropriate for the society. The harassment and violence faced by transgender community is observed by the courts in the case of Ashish Kumar Misra¹⁴ where the transgender was not getting the basic benefit such as ration card which is used by them to buy the food in subsidy, in this case and many other case the courts observed that the protection of transgender should be served because it not only guaranteed by the constitution but the equality and dignity of transgender is also their human right which cannot be waved off in any condition.

Significance of the study

This study will examine transgender and increasing rate of hate crime against them. This research will become one of the unique research in the field of LGBTQ and crime against them because this research will only examine the Hijra community and the increase in hate crime against them.

¹³ Shivani Bhat vs State Of Nct Of Delhi & Ors [2015] High Court Of Delhi at New Delhi, WP(CRL) (High Court Of Delhi At New Delhi).

¹⁴ Ashish Kumar Misra Vs Bharat Sarkar Thru Sachiv [2015] High Court Of Judicature At Allahabad, Lucknow Bench, Misc (High Court Of Judicature At Allahabad, Lucknow Bench).

Objective of study

- To analysis the type of hate crime against the transgender (Hijra community).
- To examine the heath care facility available to transgender community.
- To know in depth the discrimination and violence which is happening against the transgender community.

Research Question

The following is the research question of the research paper:-

- How do transgender people struggle with the health care facilities in India?
- Is the transgender community face any kind of economic- discrimination in employment?
- What is the attitude of family and society towards the transgender community?
- What are the various type of hate crime happing against transgender community?
- Why the transgender community is victim of hate crime?

Research Design

Research Design can be characterized as a calculated structure inside which research will probably be finished. It includes the diagram for the gathering, estimation, and investigation of information. According to Kerlinger, "Research in the plan, structure and strategy of study conceived in order to get answers to research questions and also to control variance."¹⁵

In this research paper the *exploratory research* design has been used. The exploratory research design is the examination in to a subject in attempt of further insight¹⁶. Conducted in order to determine the nature of the problem, this type of research is not intended to provide conclusive evidence, but helps us to have a better understanding of the problem¹⁷.

Research Setting

The research setting can be viewed as the physical, social, and social site in which the analyst leads the examination. In qualitative research, the attention is fundamentally on importance making, and the specialist thinks about the members in their common setting.¹⁸ The author is using secondary sources for her study. This secondary sources is from the different organization

¹⁵ 'Definition Of Research Design' (Universalteacher.com, 2017) <<http://universalteacher.com/1/definition-of-research-design/>> accessed 4 December 2017.

¹⁶ Kimberly winstone, *Exploratory Research: Definition, Methods & Examples* (study.com 2017).

¹⁷ Saunders, M., Lewis, P. & Thornhill, A. (2012) "Research Methods for Business Students" 6th edition, Pearson Education Limited

¹⁸ L. M. (2008). *The SAGE encyclopedia of qualitative research methods* Thousand Oaks, CA: SAGE Publications Ltd doi: 10.4135/9781412963909

working throughout the country and this sources has been made during the year of 2013-2017, most of the source is from government of India survey which is used for policy building other sources is report made by UNDP for studying the legal recognition, the next type of sources are journal article and books, which provide more insight in the subject. For tracing the importance of judiciary researcher has used case laws which will help in giving the legal point of view on the subjects.

Universe of the study

The Universe of this study is India as whole because the secondary sources used in this research is taken from whole India. The sources used different type methods to collect data. The research study used known Indian leader of Hijra community to explore the problems of community.

Type of sampling- Convenience Sampling

Convenience sampling is a non-likelihood inspecting procedure where subjects are chosen due to their advantageous availability and closeness to the scientist¹⁹.

The researcher have used convenience sampling method because this sampling method is easily accessible and the it will use the targeted population and since the researcher has used secondary sources which is easily available on the open sources like internet and library because of this characteristics the Convenience sampling is used in this research.

Data Sources and Method

In this research qualitative method has been used. For collecting of data the secondary sources has been used this helped researcher to gain insight of the problem. At first the main aim of the collecting the data was to understand the problem in a better way and to examine the present condition of Hijra community after the land mark judgment of judiciary such as Naz foundation case²⁰ and legal service authority case²¹. The main aim using the secondary sources was to identify the work which has been done in this field and to gain the background knowledge.

Only those literature has been chosen which satisfy the objective of research and the which answer the research question. Since the researcher used secondary resource researcher has not use any personal details of any of respondent in previous study.

¹⁹ 'Convenience Sampling' (Explorable.com, 2017) <<https://explorable.com/convenience-sampling>> accessed 5 December 2017

²⁰ Civil Appeal No. 10972 OF 2013.

²¹ National legal Service Authority vs. Union of India (2014) SCC Online 328: (2014) 3 CTC 46 (SC).

Limitations:

- Official documents may mirror the predispositions of people with significant influence – restricting what you can discover.
- Official insights – the way things are measured may change after some time, making chronicled correlations troublesome (As with wrongdoing measurements, the meaning of wrongdoing continues evolving.)
- Reports may need authenticity– parts of the archive may miss in light of age, and we won't not be to confirm who really composed the record, which means we can't check whether its one-sided or not.
- Representativeness – reports may not be illustrative of the more extensive populace – particularly an issue with more seasoned archives. Many records don't survive in light of the fact that they are not put away, and others decay with age and wind up noticeably unusable. Different records are intentionally withheld from specialists and the general population look, and in this manner don't end up plainly accessible²².

OPRATIONAL DEFINATION (KEY TERMS)

Transgender- The transgender are commonly are known Hijra are identified as person of third gender and are not identified either as male or female²³. The lack of gender identity indicates person internal sense of being male and female²⁴.

*Hate Crimes-*A hate crime occur when a despise criminal targets somebody in view of the gathering that individual has a place with, the loathe wrongdoing is communicating something specific that individuals from that gathering are not invited in our group.

Transphobia- the Transphobia is the negative feelings towards the transgender community. This negative feeling can be expressed through the physical or verbal violence or any kind of discrimination against the transgender community.

Class: Class is a system of ordering society whereby people are divided into sets based on perceived social or economic status.

Gender: gender is a term which means culturally and socially difference between men and women.

Economic discrimination- Monetary segregation implies separation in view of financial factors

²² Karl Thompson, 'The Strengths And Limitations Of Secondary Data' (ReviseSociology, 2017) <<https://revisesociology.com/2017/04/24/the-strengths-and-limitations-of-secondary-data/>> accessed 5 December 2017.

²³ Anuj Garg v Hotel Assn of India [2008] Supreme Court, 3 SCC 1 (Supreme court).

²⁴ Supra at foot note 21

inside the territory of trade. The components that advance monetary separation incorporates work accessibility, compensation, the costs or accessibility of products and ventures, and the measure of capital speculation subsidizing accessible to minorities for business. Boycotting a specific item or value settling, distinctive rates of remuneration for a similar capacity or yield in view of elements, for example, the laborer's age, ethnicity, race, religion, or sex are cases of monetary separation²⁵.

Data Analysis

Information examination is the way toward making a legitimate significance and translation of what the respondents have said and what the analyst has seen and listened (Green, Caracelli and Graham, 1989).

Ethical Consideration

Credit: All secondary sources used in this research has been duly acknowledge and credited.

Permission: All secondary sources used in the research the researcher has full permission to use it and researcher has duly acknowledge the secondary sources which has been used in the study.

Non harmful procedures: In our research paper, no harmful method is used and hence it is harmless process.

Peaceful environment: this research do not disturb the environment of the respondent.

Conclusion

This chapter provides the methodology of the research. The objectives guide the research design. The research design and review of literature help to form the research question. This research use qualitative method.

²⁵ <<https://definitions.uslegal.com/e/economic-discrimination/>> accessed 5 December 2017.

The hate crime influenced by prejudice and hatred against the particular group. Usually this hate crime results in physical injury and physical abuse of the victims. The hate crime is also characterized by the discrimination either socially or economically. This section of the research paper deals with the different kind of exploitation of transgender community and it will also examine other factors like parent support and other factors.

Economic Discrimination In Employment

National legal service authority v. Union of India where supreme court declared the Hijra community as “*socially and educationally backward cast*” and declared the Hijra community as third gender to give them legal recognition. This decision forced the government to make policy and increase public awareness.

In general the discrimination in the employment leads to the lot of underutilization of human capital. In this case where discrimination is based on the stigma, in this case obviously the community which bears the stigma and which is trained will be replaced by the unskilled work force which is a greeter loss to the community. The sensibility of this stereotype thinking leads to the harm to Transgender community and lead them to be to the life of poverty. The transgender community is always the victim of under unemployment and unemployment.

In the survey it is found that-

- (Masih et al. 2012) in his research suggested that most of Hijra community living in the state of Chhattisgarh is living below the poverty line, because of this the Hijra community has opt dancing, prostitution and begging as their profession.
- An investigation of kothis in Chennai found that family dismissal exacerbated the danger of destitution (Chakrapani et al. 2007).
- An investigation of kothis in five Indian urban communities and one city in Bangladesh found that 64% of respondents had livelihoods underneath \$70 every month (Khan et al. 2005).
- A people group based example of MSM in Chennai found that 66% were living on wages underneath \$1.50/day (Newman et al. 2008).
- In 2008 Tamil Nadu built up a Transgender Welfare Board to enhance the financial position of transgender individuals (known as aravanis) because of their specific vulnerabilities, for example, separation and budgetary instability. The Transgender Welfare Board gives independent work awards, wage help, lodging help, sustenance

cards, and social insurance to qualified low-income transgender individuals (Chakrapani 2012). In 2012, the board started giving a Rs1,000 month to month annuity to qualified aravanis²⁶.

Workplace and discrimination

- The conference procedure for the undertaking, "Charting a Programmatic Roadmap for Sexual Minority Groups in India," "distinguished separation, including work environment segregation, as "the center issue in the LGBT development." That report included meetings with LGBT people group individuals and pioneers who announced the presence of segregation (The World Bank South Asia Human Development Sector 2012).
- The 2011 Census of the Indian populace uncovered that 38 percent of third sexual orientation respondents were working, contrasted and 46 percent of the overall public (Nagarajan 2014). Third sexual orientation specialists additionally seem to have less secure business: just 65 percent of the third sex laborers were utilized for no less than a half year of the year looked at with 75 percent of the general utilized populace.
- A 2005 cover a review of 240 MSMs in India and Bangladesh found that 75 percent of respondents occupied with sex work out of monetary need since separation extremely restricted different open doors (Khan et al. 2005).
- A 2011-12 investigation of 455 LGB people in India working for Indian or multinational organizations in the monetary, programming, and building divisions in India indicated confirmation of separation (MINGLE 2011).¹⁵ One fifth of LGB representatives who had revealed their sexual introduction to others in the work environment had encountered segregation either some of the time (9 percent) or regularly (11 percent). 30% have encountered provocation by associates, and 80 percent have heard against gay remarks in the work environment some of the time or regularly.
- In a 2013 study of school instructed, cubicle LGBT laborers in India, 56 percent detailed encountering separation in the working environment in light of their sexual introduction (Hewlett et al. 2013).

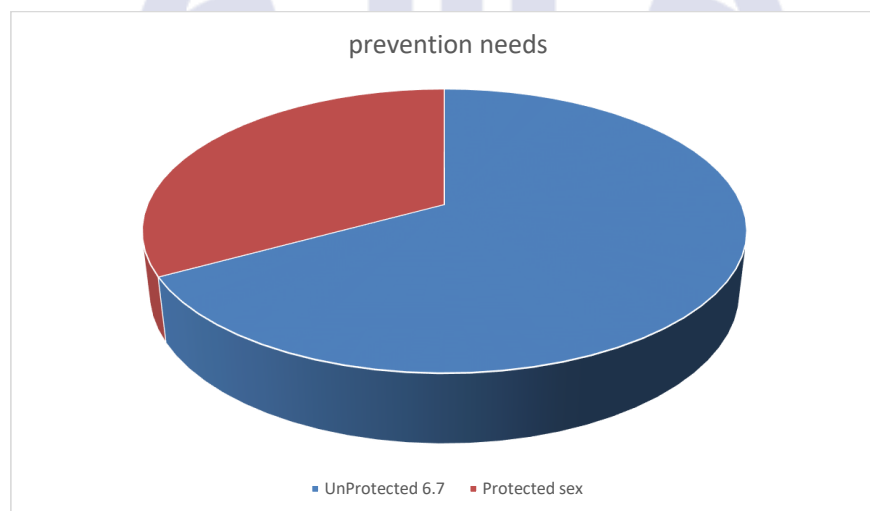
²⁶ World Bank project "India-Sexual Orientation, Gender Identity and Development", 'The Economic Cost Of Stigma And The Exclusion Of LGBT People: A Case Study Of India' (World Bank 2014).

- U.S. State Department Country Reports on Human Rights Practices have reliably noticed that Indian activists report work segregation in light of sexual introduction and sex character²⁷.

The discrimination at the work place is growing the above research results is an evidence of the discrimination in economic and in employment. The solution of the economic discrimination in workforce is increasing the entrepreneurship so that the third gender is self dependent and should not depend on anybody.

Physical abuse and Parents acceptance

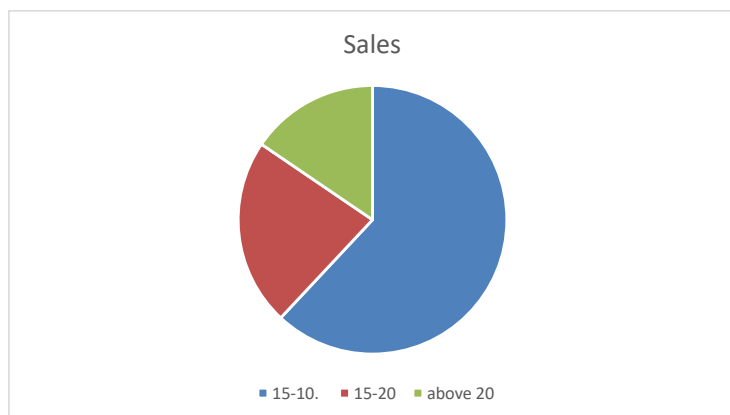
Transgender community is sepreat social culture group. This community looks to be a homogeneous group having only one needs, but it is having different need. Within Hijra community there are different Hijra who are performing different profession, some are joined in begging , some in dancing and some are sex worker , most of the Hijra who are sex worker they act as receptive partner. The following chart shows the use of prevention during intercourse from this chart it is clear that more than half of Hijra do not use prevention²⁸.



Particularly the Hijra community who practice the prostitution face sexual encounter first sexual act at very early age.

²⁷ *Supra* at footnote 26

²⁸ NACO, 'Transgender – Hijra Strategy' (NACO, NACP 2011).



Their sexual exercises begin at an exceptionally youthful age. More than 82% respondents revealed that they had the principal sexual involvement with a male by the age of 15. They have numerous business accomplices in a month and they can possibly get tainted and to spread the infection to numerous others. As indicated by our essential information, 43.3% (n=683) respondents announced having business accomplices in a month. Over half don't much recall the quantity of male accomplices they had in the previous one month. Around 47% are winning their occupation by doing sex work. Besides, it is a typical practice just about a marvel among 78.6% of the transgender that they much of the time visit different spots for long stretches. A lion's share additionally report times of extraordinary sex work which we comprehend incorporates Melas and celebrations and so forth where the quantity of accomplices are numerous and are events for simple transmission to numerous individuals from the group and others. As per our information, 54% revealed in enjoying "increased or an escalated" time of sexual movement in the previous a half year. Notwithstanding, this likewise provides us some insight this may display chances to contact them and their clients.(for points of interest please observe the area 1 and annex1 of research report). Subsequently, unmistakably TGs and Hijras are exceptionally portable, are associated with sex work in different conditions and places. Subsequently they are in danger to themselves and furthermore in danger of tainting their accomplices.

Transgender/Hijras are not acknowledged (75.2%) and bolstered by their families and society because of their sexual orientation status. Along these lines, they are compelled to leave their families and be individually with the goal that the family does not encounter any segregation and disgrace. Being monetarily distraught, semi-educated, unaccepted, far from their homes with no passionate and mental help from their families and society, they need to confront life's

difficulties all alone. As indicated by our information, just 18.4% (N=772) are uneducated, 48.8% are drop-outs between sixth - twelfth standard. Around 41.2% have shown that they are not acknowledged by their families. Thusly they are pushed towards either customary alternatives (toli badhai) as well as undesirable choices of acquiring, for example, sex work to procure two dinners per day. They offer themselves for as small a sum as Rs. Ten or Twenty. They are defamed, segregated and powerless against tormenting by law implementation offices, goondas and regularly prodded and irritated by general group individuals. They are not enabled enough which keeps them from revealing any occurrences of lewd behavior and assault to police. As indicated by our information, the police decline to enlist their dissensions saying that they don't go under the current laws. 10Over 57% respondents have answered to have confronted brutality from police, goondas or others in calling.

The social pecking order and group standards among Hijra people group impact HIV avoidance practices among them and have both constructive and contrary effects on HIV hazard practices among Hijras. In Eastern and Northern India sexual hush in certain Gharanas is the standard and this influences the circumstance to most exceedingly terrible. Hijras from certain Gharanas shouldn't have intercourse as they are devoted to the Goddess. Masters from such Gharana may not endorse the circulation of condoms to them.

Every one of these components gather up and into a single unit make TGs to a great degree powerless against HIV. The TGs keep on feeling the requirement for a way of life as a different gathering which must be made a recognized accomplice in the battle against HIV/AIDS. As indicated by our information, over portion of the respondents (53%) announced the necessity for a different mediation program for TGs.

CHAPTER IV- CONCLUSION

Transgender is community which have suffered discrimination and exploitation from a very long period. The period of suffering come to an end when the Supreme Court has held that the right to self-identification of gender is part of the right to dignity and autonomy under Article 21 of the Constitution. the union cabinet has approved Transgender Persons (Protection of Rights) Bill 2016, for the introduction into the parliament.

Basically this bill will give transgender protection and equality before the law. This bill will provide the basic right to transgender community for which they have to struggle from many years. Broadly speaking this bill will provide them with basic rights such as access to public place, reservation in government jobs and their children will also enjoy equality in the community. This bill asks police to provide to protect the transgender and give them a safe

environment to live. At last, this bill encourage the government of India to make transgender self dependent and carry out the activities like vocational training.

On one hand where the bill is taking steps for providing protection and equality to the transgender community on the other hand The Bill totally dispenses with the choice of distinguishing proof by transgender people as either male or female and even strengthens harmful generalizations about transpersons being part male and part female. The bill provide a complete chapter on discrimination on various places such as government intuition, helth ceters, public places and religious institution but it fails to give the definition of discrimination at first place.

Researcher is of the view that new bill has provided new opportunity without doubt it has opened new doors for transgender but loop hole exist because this bill was not made with significance representation of transgender people, because of which basic problem was not addressed. To the extent common society is concerned, the main appropriate response to this proposed law is welcome it with hatred – the very slant that it appears to have been drafted with.

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