Transgender Identity in India: Spatial Shifts Post-2019 Act

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Abstract

This study examinesthe influence of geographical location on the shifts in transgender identity in India, subsequent to the implementation of the Transgender Persons (Protection of Rights) Act, 2019. By analysing the disparities in rights, services, and societal acceptance between urban and rural locales, it underscores the complexities encountered by transgender communities. Recommendations for future research champion longitudinal studies, intersectional analyses, and strategies tailored to the context of the needs of thetransgender individuals in the country. By highlighting the importance of spatial dynamics in transgender identity post the 2019 Act, this study aspires to advance social justice, equality, and human rights universally, transcending the confines of gender identities and geographical boundaries, in India and beyond.

Keywords:*Transgender Identity, Human Rights, Social Acceptance, Social Justice, Inclusion*

Introduction

Transgender identity in India represents a complex and multifaceted aspect of society. The transgender individuals, often referred to as hijras, aravanis, or jogappas, have a long history, with diverse roles and cultural significance(Bandopadhyay & Pandey, 2017). Traditionally, they have occupied unique social spaces, serving as performers, spiritual figures, and marginalized community members.The community has been a part of the Indian subcontinent for about as long as civilization has, with a recorded history of over 4,000 years and being mentioned in ancient texts. The Kama Sutra provides a vivid description of the sexual life of people with 'third nature'(Hinchy, 2019).The community comprises diverse identities such as *Hijras, Aravanis, Kothis, Jogtas or Jogappas*, and *Shiv-Shakthis*, each embodying distinct cultural nuances and experiences.

Historicity of the Community

The historical context of transgender rights and identity in India is deeply rooted in the country's cultural and social fabric. Traditionally, transgender individuals in India have been recognized within various communities, assuming diverse roles such as ritual performers, caretakers of children, and participants in religious ceremonies. Hijras, for example, have a long history in Indian society, tracing back to ancient times where they held positions of respect and significance(Nanda, 1999).These identities were revered within Indian culture, with some still receiving special regard till today. However, the colonial legacy and

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subsequent stigmatization led to the marginalization and discrimination faced by transgender communities in modern India(Khobragade, 2018)

The Journey till the Culmination of the Act

The journey towards the legal acknowledgment and safeguarding of transgender rights is not achieved overnight. The longstanding struggles and sacrifices of various stakeholders, eventually lead to the establishment of the Transgender Persons (Protection of Rights) Act, 2019. The Transgender Persons (Protection of Rights) Act, 2019, enacted by the Government of India, marked a significant legislative milestone aimed at recognizing and protecting the rights of transgender individuals. This legislation sought to address various forms of discrimination, violence, and exclusion faced by community by providing legal recognition, affirmative action, and mechanisms for social and economic empowerment.The act provides the intention of instituting a legal structure for the recognition of the genderand the implementation of social welfare initiatives for individuals identifying as transgender.

Hailed as a step forward in the recognition and safeguarding of transgender rights, the Act has faced backlash over perceived inadequacies(TARAFDER, 2019).Chief among the critiques are the convoluted procedures for obtaining a transgender identity certificate, the perceived absence of robust social welfare provisions, and the alleged failure to effectively tackle discrimination and violence issues. The legislation perpetuates traditional binary gender constructs, overlooking the diverse range of gender identities encompassed within the transgender spectrum. The Act lack explicit directives on affirmative action, healthcare accessibility, and educational opportunities for transgender persons has further fuelled the discourse. The Act does not ensure holistic safeguarding and integration of transgender individuals into the fabric of Indian society.

Scope of the Paper

Previous academic inquiries have delved into the nuanced understanding of transgender identity and its spatial dynamics in the Indian milieu. Research endeavours have delved into the lived experiences of transgender communities across urban and rural landscapes, dissecting issues encompassing healthcare access, employment prospects, social assimilation, and communal support. The paper tries to probe the hurdles confronted by transgender collectives in manoeuvring public domains, accessing governmental services, and securing legal validation subsequent to the 2019 Act, accentuating the criticality of spatial considerations in policy formulations and societal interventions.

Despite the legislative advancements made through the 2019 Act, there remains a critical need to understand the complexity of the spatial dynamics of transgender identity in India post-enactment(Nanjundaswamy & Gangadhar, 2016). The spatial shifts in transgender identity refer to the changes in how transgender individuals navigate and experience different physical, social, and cultural spaces following the implementation of the legislation Thispaper aims to investigate the spatial transformations in transgender identity within the Indian context to better understand the implications of the 2019 Act on the lived experiences of transgender individuals.

To fulfil these aims, the paper made the following inquiries:

1. How have spatial dynamics influenced the visibility and social acceptance of transgender individuals in urban and rural settings post-2019 Act?

2. What are the implications of spatial shifts in transgender identity for advocacy efforts, policy formulation, and social inclusion initiatives in the post-2019 Act landscape of India?

Methodology

A desk review was done to examine the transformations in transgender identity subsequent to the enforcement of the Transgender Persons (Protection of Rights) Act, 2019 in India. The secondary sources used in the paper includes journal Articles, books, newspaper article, NGOs/Civil society organization reports and other secondary sourcesavailable in the public domain. An analysis of the existing secondary literature was done to understand the phenomena of spatial dynamics of transgender community in India.

Findings

The Rural-Urban Spatial Understanding of the Transgender Community

According to 2011 Census, the transgender community makes upto only 0.04% of total population of the country that includes around 66.2% in urban 33.8%in ruralarea. The data reported that 85 in every 100 transgender are urban based.The highest proportion of them is found in the four states of India namely Uttar Pradesh (28.2%), followed by Andhra Pradesh (9.0%), Maharashtra (8.4%), and Bihar (8.4%).

Post the enforcement of the Transgender Persons (Protection of Rights) Act, 2019, discernible alterations in the geographic dispersion of transgender communities across India have been noted. Metropolitan and urban areas have seen an influx of transgender individuals, driven by the quest for improved access to support services, employment prospects, and community networks, all facilitated by the legal recognition accorded by the Act. In stark contrast, rural regions persist in their struggle with constrained resources, limited awareness, and acceptance, culminating in disparities in the visibility and mobilization of transgender communities (Gupta, 2022)

Disparities in accessing vital services such as healthcare, education, and employment continued to persist across different regions of India. Urban areas, typically more conducive for transgender individuals, offered better access to specialized healthcare services, inclusive educational programs, and a variety of employment opportunities compared to rural settings where resources are limited and stigma was prevalent. Despite the legislation spurring some improvements in service provision, significant challenges remained in ensuring equal access and quality of services across regions (Bhattacharya, 2022)

Challenges Continue

Social Integration

The degree of social acceptance and community support for transgender individuals exhibited significant variation between urban and rural areas in India. Urban environments, characterized by a greater exposure to diverse identities and progressive attitudes, generally demonstrated higher levels of acceptance and support for transgender individuals. Conversely, rural communities often grappled with conservative norms, a lack of awareness, and deep-seated prejudices, resulting in elevated social barriers and isolation for transgender individuals.

Intersectional identities, encompassing factors such as caste, class, religion, and region, intersected with gender identity either amplify or mitigate the challenges faced by transgender individuals in the rural-urban contexts. The intersectionality of gender identity and spatial location played a pivotal role in shaping the experiences and opportunities available to transgender individuals following legislative reforms.Initiatives aimed at fostering community support and raising awareness iscrucial in bridging these societal divides.

Access to services

The Central government has initiated several welfare programmes to address the issues and protecting the rights of the community. Welfare programmes includeschemes and provisionto ensure identity, education, shelter, livelihood and skill development. The government launched the National Portal for Transgender Persons to get certificate of identity, "SMILE - Support for Marginalised Individuals for Livelihood and Enterprise' for financial assistance, to name a few.Besides the government efforts to make a gender-inclusive society, transgender individuals face a plethora of challenges in accessing rights and inclusive services in varied geographic locations across India. Challenge in issuance of certificate was reported in an interview conducted by Gupta (2022) in the GarimaGrehcenter.

Despite legal reforms, challenges such as discrimination, violence, limited access to gender-affirming healthcare, and economic vulnerabilities persist in urban region. The rural regions present additional hurdles including social ostracism, lack of awareness, inadequate healthcare facilities, and limited educational and employment opportunities for transgender individuals. The geographical factor intensifies the marginalization and vulnerability experienced by transgender persons, underscoring the urgent need for targeted interventions to address these complex issues.This holds the potential to redefine the terrain of transgender activism, visibility, and service accessibility across various regions. While urban areas may witness progress in legal recognition, healthcare, and employment opportunities, rural regions persistently grapple with systemic obstacles and societal stigmas that hinder the full realization of rights for transgender individuals.

Scope of Advocacy

The spatial shifts in transgender identity following the enforcement of the Transgender Persons (Protection of Rights) Act, 2019, have significant implications for transgender rights and inclusion in India.

- Civil society organizations, grassroots activists, and policymakers can collaborate to design and implement targeted advocacy campaigns, capacity-building programs, and support services tailored to the specific needs of transgender populations in urban and rural settings.
- Leveraging the power of social media, community mobilization, and legal advocacy can amplify the voices of transgender individuals, raise awareness about their rights, and foster solidarity across diverse spatial contexts.
- Policy measures should concentrate on enhancing access to healthcare services, promoting inclusive education and employment policies, and fostering community acceptance and support for transgender individuals in both urban and rural settings.

- Strengthening the Act's implementation and enforcement mechanisms and providing targeted support for marginalized transgender populations are critical policy imperatives

Conclusion

This study examines the rural-urban spatial transformations in transgender identity subsequent to the implementation of the Transgender Persons (Protection of Rights) Act, 2019 in India. It unveiled that urban regions experienced an upsurge in visibility and accessibility to support services for transgender individuals, whereas rural areas persisted in confronting obstacles to rights realization and societal acceptance. The intersectionality of gender identity with spatial location underscored the intricacies and disparities encountered by transgender communities, necessitating interventions tailored to specific contexts. The paper augmented the extant literature on transgender studies by delivering a comprehensive examination of these spatial transformations post the 2019 Act.

Future research should prioritize longitudinal studies to evaluate the enduring impacts of legislative reforms on the well-being and rights realization of transgender communities. There is also a demand for meticulous investigations into the specific challenges confronted by transgender individuals with intersectional identities, such as caste, class, and religion, across different spatial contexts. Policy interventions should strive to bridge the urban-rural divide in access to healthcare, education, and employment opportunities for transgender individuals, while also addressing systemic barriers and societal prejudices. By recognizing the unique challenges and opportunities in urban and rural settings, policymakers, activists, and stakeholders can collaborate to dismantle barriers, promote social acceptance, and enhance the well-being of transgender communities across India. This context-specific approach not only fortifies advocacy efforts for transgender rights but also contributes to the broader discourse on social justice, equality, and human rights in India and beyond.

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