



INDIA'S THIRD GENDER FROM RECOGNITION TO EMANCIPATION

INTRODUCTION

The **landmark case of Navtej Singh Johar vs Union of India**, which struck down Section 377 of IPC to de-criminalised same-sex relations between consenting adults, **completed 4 years recently**. It was preceded by the **NALSA judgement of 2014** that gave them the **right to self-identification and recognised them as the third gender**. Later the government of India came up with **Transgender Persons (Protection of Rights) Act, 2019**. These events have triggered **the initiative to mainstream the third gender** and address the challenges faced by them.

In this context, we'll discuss how third gender is legally defined in India and what are their rights? What are the challenges faced by third gender communities in their developmental path? What initiatives have been taken for third gender persons? What measures can be taken to ensure development of third gender in India?

HOW THIRD GENDER IS LEGALLY DEFINED IN INDIA AND WHAT ARE THEIR RIGHTS?

The concept of third gender is not new and references of transgender identities can be seen in texts like Mahabharata and Ramayana and classical books. **As per 2011 census, total population of transgender is around 4.88 Lakh in India.**

- According to the **Transgender Persons Act 2019**, "transgender person" means a person **whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman** (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), **person with intersex variations, genderqueer and person having such socio-cultural identities as kinner, hijra, aravani and jogta.**
- They are entitled to equal rights and protections under **Article 14, 15, 16, 19(1) and 21 of the Indian Constitution.**
- Also, **being a human being, they are entitled to certain universal rights.** These were brought to the limelight by the **Yogyakarta Principles (YP) for people with different sexual orientation and gender identity.**
 - YP were set up as a lot of 29 Principles with 29 signatories including India, USA, UK, etc. **YP plus 10 was adopted in Geneva, Switzerland in 2017.**
 - These are an affirmation of existing international legal standards. They **apply to all persons on grounds of their sexual orientation, gender identity, gender expression and sex characteristics.**
 - These principles are **binding standards** with which all States must comply and promise equality among people regardless of their sexual orientation.

Yogyakarta Principles



Right to State protection from violence, discrimination and other harm.



Right to legal recognition without reference to, sex, gender, sexual orientation, gender identity.



Right to bodily and mental integrity, autonomy and self-determination.



Right to be free from criminalisation and any form of sanction.



Right to protection from all forms of poverty and social exclusion.



Right to equitable, adequate, safe and secure sanitation and hygiene.

WHAT ARE THE CHALLENGES FACED BY THIRD GENDER COMMUNITIES IN THEIR DEVELOPMENTAL PATH?

Despite the Constitutional and legal protection, the Third Gender is usually out of the mainstream gender discourse and they face acute neglect and discrimination because of their gender.

This makes it the most disempowered and deprived gender, even more than women. In this context, it is important to understand the magnitude of the challenges that they face.

Socio-Economic

- Marginalization and Social Exclusion:** Stigma attached to sexual orientation that fall outside the expected societal norm leads the third gender people to the margins of society and they experience multiple forms of discrimination, such as **racism, sexism, homophobia** etc.
- Discrimination at Workplace:** As per National Human Rights Commission (NHRC) study in 2018, **96 percent transgenders are denied jobs** and forced to take low paying or undignified work for livelihood.
- Education System:**
 - Poor policy:** Restricted access to educational institutions due to lack of special provision and poor implementation of policy for inclusion of third gender community in the mainstream education system.



- **Illiteracy: Low literacy levels** due to factors like **exclusion from family/society, poverty, insensitive attitude of teachers/staff, violence and sexual abuse** leading to high dropout.

- As per Census 2011, **transgender has a 46 percent literacy levels** compared to 74 percent in the general population.

- **Problems of Homelessness:** They lack housing services that meet their specific needs. They live on city's streets as they were **left by their family for being queer, or ran away to escape** an abusive environment at home.

- **Lack of shelter homes for same-sex couples, transgender etc.,** rampant abuse and harassment persists in shelter system. Also, majority of domestic violence shelters do not accept gay men or transgender people.

- **Problems of Transphobia:** Negative feelings and attitudes towards non-heterosexual behavior leads to transphobia which is the root of discrimination experienced by third gender people.

- It also leads to **physical attacks, discrimination and negative media representation hampering integration** of such people in the society.

- **Barrier to Healthcare:** Due to **lack of providers with expertise** in transgender medicine, **lack of financial support, clinic facilities etc.,** they have restricted access to health services.

- For instance, **HIV prevalence among transgender people** in India was estimated to be **3.1% in 2017**, second-highest prevalence among all key populations in country.

- **Psychological Distress:** Due to social rejection, violence isolation, bullying in schools etc., they **experience anxiety, depression, substance use and suicidal thoughts among them.**

- **Political issues:**

- **Violation of Fundamental Rights:** Third gender **community has been deprived of the fundamental rights** because of **ambiguity in their identity and non-recognition** of them as a third gender in society.

- They face problems in disclosing their gender identity which violates their constitutional rights to personal liberty, freedom of expression, education etc.

- **Violation of human rights:** They are deprived of various human rights such as obtaining passport, driving license, ration card, identity card etc.

- **Under- Representation:** Given the social stigma and injustice they face, **their participation as an electorate has remained abysmal.** They have remained **underrepresented in decision-making bodies** like assembly, Parliament and urban local bodies.

- Till 2019, only about **eight percent** of transgender population have **registered as 'Other' voters and only one percent have exercised their voting right.**


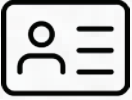



- During 2019 polls, 'Others' voters count increased by 73 percent, however **only 14.6 percent of registered third genders voted.**

"I've never been interested in being invisible and erased." -Laverne Cox, actress and LGBTQ advocate



Analysis of Transgender Persons (Protection of Rights) Act, 2019

It was introduced by the Ministry for Social Justice and Empowerment to protect the rights of the transgender community and their welfare and for matters connected therewith and incidental thereto.

Specifications	Features of Act	Concerns associated with Act
 Definition	<ul style="list-style-type: none"> Defines transgender as a person whose gender assigned at birth does not match with his/her perceived gender. It includes trans-men and trans-women, persons with intersex variations, gender-queers, and persons with socio-cultural identities, such as kinnar and hijra. 	<ul style="list-style-type: none"> Definition of transgender person is vague and misleading. Transgenders have different gender identity than what was assigned to them at birth, while intersex indicates diversity of gender based on biological characteristics. Transgender definition is too broad to include "people with intersex variation."
 Certificate of identity	<ul style="list-style-type: none"> Allows self-perception of identity and mandates a certificate from district magistrate declaring the holder to be transgender. 	<ul style="list-style-type: none"> Against the principle of self-determination itself. There are no provisions for an appeal or review of decision taken by District Magistrate.
 Welfare Measures	<ul style="list-style-type: none"> Government will take measures to ensure participation of transgender persons in society, their rescue and rehabilitation, vocational training and self-employment etc. 	<ul style="list-style-type: none"> No provisions on whether trans person who holds male or female gender certificate will have access to government welfare schemes and programs meant for transgender people.
 Prohibition against discrimination	<ul style="list-style-type: none"> Prohibits discrimination against a transgender person in areas like education, employment, healthcare etc. 	<ul style="list-style-type: none"> It doesn't provide for any reservations in field of employment and education as directed by SC in NALSA verdict. It doesn't mention anything about civil rights like marriage rights, adoption rights, and property rights, etc.
 Offences and penalties	<ul style="list-style-type: none"> Provisions for penalty and punishment vary between six months and two years in cases of offences and sexual harassment against transgender persons. 	<ul style="list-style-type: none"> It fails to clear as to what constitutes sexual abuse. Only two years imprisonment appears to be insufficient for heinous crimes like rape, sexual abuse, or harassment etc. <ul style="list-style-type: none"> Whereas, crime against cisgender woman prescribes jail sentence of 7 years for sexual assault.
 Safe Shelter	<ul style="list-style-type: none"> Every transgender person shall have a right to reside and to be with their family. If their family does not want them or unable to take care of them then they will be sent to a rehabilitation centre. 	<ul style="list-style-type: none"> Instead of sending them to their own community where they will feel safe with their own people, they are being sent to a rehabilitation centre.

Impact of Covid-19 pandemic on Human Rights of Third Gender Persons

COVID-19 pandemic has **exacerbated inequalities prevalent in all regions** of world and has disproportionate **impact on Lesbian, Gay, Bisexual, Trans and gender-diverse (LGBTQI+) persons**. Following are some concerns of LGBTQI+ persons during pandemic:

- 🕒 **Violence:** Instances of humiliation by family members, violence, forced marriages and suicides among the LGBTQI+ community rose as they were forced to stay in homes e.g. death of two women in Tamil Nadu by suicide.
- 🕒 **Health:** The overloaded health systems led to the LGBTQI+ people being deprioritized for treatments like HIV testing, hormonal treatment and gender-affirming treatment for trans people.
 - Also governments designated their points of medication distribution and medical attention as COVID-19 centres.
- 🕒 **Economic:** Abandoned by family and loss of jobs due to COVID-19 further increased the poverty, homelessness among the LGBTQI+ community.
- 🕒 **Relief:** Since a large number of LGBTQI+ persons do not have proper government ID documents, they faced difficulties in accessing relief care packages and services being provided by the state.



In response, Steps taken during pandemic includes

- 🕒 **Health:** Work with **national AIDS control organisation to reach out to and help LGBTQI+ persons** with support on nutrition, direct cash transfer and health facilities.
 - Declare hormone replacement therapy and anti-retroviral drugs delivery as an essential service.
 - **Develop community helplines for mental health counselling** and support for LGBTQI+ persons.
- 🕒 **Relief:** Facilitate **Public distribution system of goods, rations and other services** through LGBTQI+ NGOs.
 - **Assistance in getting ration cards** made to avail relief packages announced by the government.
 - Assistance in getting bank accounts made for PM Care Fund.
- 🕒 **Social:** Encouraging social harmony by promoting and generating awareness to address sexism, trans-phobia, violence and discrimination faced by LGBTQI+.

In Conversation

Challenges faced by Transgender Child



Vini: Hey Vinay! Do you know there has been a spike in cases of violence against transgender in India.

Vinay: Yes Vini. I've observed it as one of my friends belongs to Transgender (TG) community.

Vini: Oh. It must be very difficult for your friend to deal with discrimination on day-to-day basis.

Vinay: Yes. Stigmatization of transgender children is amplified in education system, home etc.

Vini: In schools, they are bullied by their peers for not conforming to gender assigned which increases their stress level. Also, teachers are not providing due attention, they experience isolation and not been allowed to share common grounds with classmates.

Vinay: Right. To hide from all this pressure and stress, they drop out of the educational system, closing the door for employment opportunities also.

Vini: True Vinay. They need facilitating environment to explore educational and employment opportunities.

Vini: Exactly. State and Central Education Board should be encouraged to evolve a system to sensitize educational institutions for inclusive education.

Vinay: Also, chapter on Third Gender can be included in adolescent education curriculum in school to sensitize society. This can be an effective step to address stigma/discrimination at school level.

Vini: Right Vinay.



WHAT INITIATIVES HAVE BEEN TAKEN FOR THIRD GENDER PERSONS?

As discussed in the previous section, the Third Gender has been neglected on various fronts for a long time. But to bring them back to the mainstream of society several welfare measures have been taken at central and state level.

⦿ Administrative Measures

- **National Council for Transgender (NCT) Persons:** Constituted by MoSJE under Transgender Persons (Protection of Rights) Act, 2019. It consists of **Chairperson** (Union Minister of MoSJE- ex-officio), **Vice- Chairperson** (Union Minister of State for SJE- ex-officio).
- **National Portal for Transgender Persons:** Launched in consonance with Transgender Persons (Protection of Rights) Rules, 2020, it would **help transgender community in digitally applying for a certificate and identity card** from anywhere in the country.
- **Third gender column:** In 2016, Ministry of Railways introduced a third gender column in its reservation form and **included transgender as an option in railway ticket forms**. Previously, column had only male and female columns.
 - In 2020, Ministry of Personnel asked all central ministries and departments to **modify relevant examination rules and application forms to include 'transgender' as a separate category** for all the central government jobs.

⦿ Socio-Economic Measures

- **Employment:** Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) brought employment opportunities for transgender people.
- **SMILE (Support for Marginalized Individuals for Livelihood and Enterprise) scheme:** It is a Central Sector (CSS) scheme formulated by Ministry of Social Justice and Empowerment (MoSJE) and will be **implemented from 2021-22 to 2025-26**.
 - It is an umbrella scheme aims to provide **welfare and rehabilitation to Transgender community and People engaged in the act of begging**.

Best Practises- State initiatives

Various states have taken initiatives for betterment of the lives of transgender population like:

- ⦿ **Odisha: Draft Odisha Transgender Policy 2017** seeks to protect rights of gender non-conforming child.
 - **Also, Odisha has become the first state** in country to provide **food grains, pension, health, education and housing benefits** to the transgender community, thus including them in the Below Poverty Line category.
- ⦿ **Karnataka:** It becomes **India's first state** to provide **one percent reservation for 'transgender' community** in all government services.
- ⦿ **Kerala:** It is the **first State to establish a Policy for Transgenders** in India. **Kerala's Transgender Policy, 2015** covers all categories of Transgenders, including male, female and intersex people.
 - **Sakalyam scheme:** In order to mainstream and uplift Transgender community, this scheme **imparts vocational training to Transgenders**. It aims to **create employment opportunities** for deprived Transgender community.
- ⦿ Further, states like **Kerala, Maharashtra, Tamil Nadu have set up a transgender justice board** to deal with their complaints and providing welfare schemes for socio-economic upliftment of the community.

○ **Composite Health Package:** National Health Authority under Ministry of Health and Family Welfare and MoSJE provides **inclusive and composite health package for transgenders** under Ayushman Bharat-PMJAY.

○ **PM-DAKSH (Pradhan Mantri - Dakshta Aur Kushalta Sampann Hitgrahi):** MoSJE is imparting skill development **training to Transgender beneficiaries of SMILE Scheme** through PM-DAKSH- **skill development scheme of MoSJE.**

○ **Shelter Homes- Garima Greh:** Its purpose is to **provide shelter to Transgender persons with basic amenities like food, medical care,** recreational facilities, etc., which will enable them to lead a life of dignity and respect.

Functions of National Council for Transgender Persons



Did you know?

- **International Day Against Homophobia, Transphobia and Biphobia:** It is celebrated every year on May 17 since 2004.
- It aims to draw the attention to violence and discrimination experienced by LGBTQI+.
- Theme for year 2022 was **“Our Bodies, Our Lives, Our Rights.”**

Inclusive Education for Third Gender Persons in India

Right to Education is one of the fundamental rights of all Indian citizens. Thus, **third gender children must be given their rights to access good quality education.** For a start, **National Education Policy (NEP) 2020** provides for **setting up a Gender Inclusion Fund** and classifies transgender children as **Socio-Economically Disadvantaged Groups (SEDGs)**. The soul of inclusivity is to allow students to study without discriminating them based on gender, class and caste. Following are some ways to make education inclusive for third gender:

- **Awareness:** Focus must be accorded to undertake **informational awareness campaign and enhance acceptability of LGBTQ+ community through education.**
- **Inclusive Curriculum:** India can learn from **Scotland, the first country to have an LGBTQI+ inclusive school curriculum** in 2021. Schools in Scotland will **teach the students about LGBTQI+ movements and how to tackle homophobia, biphobia and transphobia.**
 - Focus must be on **inclusive language like using “partner” instead of “husband/wife”.**
 - Comprehensive sex education must support young lives in exploring sexualities rather than viewing homosexuality as a disease or disorder.



- 🕒 **Teacher training:** Undertake **compulsory training or refresher programs for all teachers** that encompass teachings on gender, language inclusivity and increasing sensitivity towards various gender identities.
 - Teachers can be allies who model inclusive behaviour and confirm that educational institutes are safe and supportive places for LGBTQI+ students.
- 🕒 **Health professionals:** Compulsorily trained mental health professionals and personnel in educational institutes should deal with complaints of harassment and bullying on issues of gender plurality and inclusiveness.

"It is absolutely imperative that every human being's freedom and human rights are respected, all over the world." – Jóhanna Sigurðardóttir, First Gay Head of State of Iceland.

WHAT MEASURES CAN BE TAKEN TO ENSURE ALL-ROUND INCLUSIVE DEVELOPMENT OF THIRD GENDER COMMUNITIES IN INDIA?

In India and around the world, justice for the third gender community is critical to their development. It is important to educate people about third-gender rights and ensure that those rights are protected. Multiple interventions are needed to mainstream the third gender and improve their conditions. Some of them are as follows:

- 🕒 **Economic Inclusion:** Policies and initiatives must **prioritize the skills training, employability, and entrepreneurship of LGBTQI+ persons** to ensure their economic inclusion. Startup capital and access to loans should be provided to support LGBTQI+ led businesses.
- 🕒 **Policy intervention:** Formal non-discrimination policies should be incorporated into all businesses, with enforcement and compliance monitoring system. Policy should be developed by engaging stakeholders i.e. LGBTQI+ population.
- 🕒 **Sex/Gender Reassignment Surgery (SRS) transition:** SRS transition is a difficult process both physically and psychologically. Steps should be taken to provide transition support with rehabilitation support and counseling.
- 🕒 **Rehabilitation:** Rescue and **rehabilitation measures including right of residence** should be conferred by relevant state governments. **Monitoring of shelter homes to address issue of violence, discrimination** by engaging civil services organisations, NGOs etc.
- 🕒 **Trans-inclusive workspace:** It would be imperative for organizations to **educate its workforce towards gender inclusiveness, protection of rights of all gender identities** at workplace and acceptance of trans colleagues in the corporate environment.
- 🕒 **Awareness:** Awareness must be generated among the society to tackle trans-phobia by engaging role models, NGOs, civil society in order to mainstream the third gender in the society with supporting developmental policies.
- 🕒 **Affirmative action:** Members of the transgender community **should be treated as 'Backward Class' under Article 15, 16 of the Constitution.**
 - **Reservation should be provided** in proportion to their population.
- 🕒 **Representation:** Recognizing the civil and political rights of the third gender, **it is important to bring their representatives in Parliament and state Assemblies** by nomination and elections.
- 🕒 **Learning's from global best practices-**
 - **The International Civil Aviation Organization (ICAO)**, which sets global regulations for machine readable passports, allows for three sex categories: female, male, or "X" for unspecified.



- **Australia-New Zealand- Darlington Statement, 2017-** setting out “the priorities and calls by the intersex human rights movement in our countries.”
- **Netherlands-** the Netherlands issued **policy removing gender markers from its national identity documents.** The Netherlands appears to be the first country to remove such markers as a **conscious step to promote inclusion of transgender and non-binary people.**

Third Gender in Prisons

As per ‘**Lost Identity: Transgender Persons in Indian Prisons**’ report, in India’s prison systems, transgender people are invisible among all vulnerable groups, with their rights and dignity as citizens denied. It was prepared by **Commonwealth Human Rights Initiative (CHRI) and University of Dundee, Scotland** to highlight the issues faced by Transgender persons confined in Indian prisons.

- ⦿ **Only 9 states had recorded data on prisoners outside of a male and female,** while in other states there existed **lack of uniformity** in regard to recording of data by jails within the state itself.
- ⦿ **No awareness programs among prisoners were conducted since 2014,** apart from Karnataka, on recognition of Transgender persons as a legal identity.
- ⦿ Between 2014- 2019, **no transgender persons had been recruited** by prison department in any of States or UTs.
- ⦿ **Issues faced by third gender persons in prisons include** lack of staff support, exclusion, medical negligence, violence- both physical and sexual abuse, etc.



Ways to improve the third gender conditions in prisons

- ⦿ **Policy framework:** Government should formulate **model policy on ascertaining special needs of third gender persons in prisons,** and outline guidance on medical facilities, recreational/welfare/educational activities within prisons.
- ⦿ **Incorporate Data:** Ministry of Home Affairs may direct National Crime Records Bureau to **include data on Transgender persons in their annual statistics** on prisons and crime i.e. Prison Statistics India and Crimes in India.
- ⦿ **Awareness:** Prison departments must **develop awareness programmes for sensitisation of prisoners on issues related to Gender Identity and Sexual Orientation (GISO),** which can be organised inside prisons on regular basis.
- ⦿ **Strengthening of training programmes:** State governments should ensure that **training curriculums** for prison officers and warders include **specialised courses** on ‘GISO: Protection of rights of LGBT+ persons in prisons’.

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Sustainable Development Goals (SDGs) and LGBTQI+ Inclusion

The ‘**leave no one behind**’ principle is pretty much relevant for LGBTQI+ people. They have been left behind by national and international development initiatives due to discriminatory laws, projects not as per their specific needs and negative social attitudes. The impacts of this are felt by LGBT communities in all parts of the world – lower income, worse health, less education, among others.

SDGs	How LGBT people have been left behind	Actions required
	<ul style="list-style-type: none"> Discrimination, limited employment avenues, unsafe work environment. Example, LGBT people in Philippines are barred from higher education and limited to irregular and low-paying jobs. 	<ul style="list-style-type: none"> Credit support for start-ups by LGBT. Policy intervention to address discrimination at workplace.
	<ul style="list-style-type: none"> Excluded from sexual, reproductive, mental healthcare. Example, In India LGBTQ are less likely to access critical health services, such as HIV testing, treatment and condoms etc. 	<ul style="list-style-type: none"> LGBT-inclusive anti-discrimination policies. Create outreach health services for LGBT.
	<ul style="list-style-type: none"> Bullied by teachers and peers, Higher dropout rates. Example, In Brazil out of school LGBT had highest number of students who reported suicidal thought. 	<ul style="list-style-type: none"> Zero-tolerance policy towards homophobic, bi-phobic and transphobic bullying. Teaching curricula should be LGBT-inclusive.
	<ul style="list-style-type: none"> Insensitive authorities, Lack of reporting crimes and violence against LGBT. Example, In South Africa, only 12% LGBT felt safe from verbal/physical abuse and 27% have never felt safe. 	<ul style="list-style-type: none"> Sensitizing authorities. Awareness and prioritising support for LGBT through helplines, shelter homes etc.
	<ul style="list-style-type: none"> Forced sterilisation, lack of opportunities to change legal gender, illegal same-sex relations, Forbidding LGBT groups to form NGOs. Example, 55 countries recognise trans peoples' rights to change their name and gender on official documents. 	<ul style="list-style-type: none"> Funding LGBT groups working for an end to discriminatory laws, policies and practices.
	<ul style="list-style-type: none"> Abused by family, Prejudiced landlords, Lack of support services and poor understanding of their needs by providers. Example, Studies from Italy, Turkey and Uganda uncovered high rates of LGBT homelessness. 	<ul style="list-style-type: none"> Provide specialist services like safe houses, Support and train local government and housing associations. Affordable and non-discriminatory housing options.
	<ul style="list-style-type: none"> Police and security services refusing to take their reports of violence seriously. Example, one third of trans people in EU have experienced violence. 	<ul style="list-style-type: none"> Training on sensitivity and effective response to LGBT discrimination and address hate crimes.

CONCLUSION

The journey of third gender people has always been a challenging one. **It is time to augment a behavioural change towards the third gender and end the violence against them.** The LGBTQI+ is a critical gender identity issue that requires government and civil society action for their integration into mainstream society. Government is also working towards promoting their rights through the 2019 Act. Now, the need of the hour is to eradicate the stigma, discrimination and human rights violation for growth of third gender community in India.

TOPIC AT GLANCE

According to **Transgender Persons Act 2019**, "transgender person" means a person **whose gender does not match with gender assigned to that person at birth** and includes trans-man, trans-woman, person with intersex variations, genderqueer and person having such socio-cultural identities as kinner and hijra. As per 2011 census, **total population of transgender is around 4.88 Lakh in India.**

Rights entitled to third gender

- Entitled to equal rights and protections under **Article 14, 15, 16, 19(1) and 21 of Indian Constitution.**
- Entitled to certain universal rights, brought by **Yogyakarta Principles (YP) for people with different sexual orientation and gender identity.** Some of these rights are
 - Right to State protection from violence, discrimination, and other harm.**
 - Right to bodily and mental integrity, autonomy, and self-determination.**
 - Right to be free from criminalisation** and any form of sanction.
- YP were set up as a lot of **29 Principles with 29 signatories including India, USA, UK, etc.**
 - These principles are **binding standards with which all States must comply** and promise equality among people regardless of their sexual orientation.

Challenges faced by third gender communities

- Marginalization and Social Exclusion:** Experience multiple forms of discrimination like **racism, sexism, homophobia** etc.
- Discrimination at Workplace:** **96 percent transgenders are denied jobs** and forced to take low paying work for livelihood.
- Education: Poor implementation of policy** for inclusion of third gender in education system, **low literacy** due to **poverty, insensitive attitude of teachers/staff** etc.
- Homelessness:** Lack of shelter homes for same-sex couples, transgender etc.
- Problems of Transphobia:** **Leads to physical attacks, discrimination, negative media representation hampering integration** of such people.
- Barrier to Healthcare:** Restricted access due to **lack of providers with expertise** in transgender medicine, **financial support, clinic facilities** etc.
- Violation of Fundamental Rights:** Due to **ambiguity in their identity and non-recognition** of them as a third gender in society.
- Under- Representation: Abysmal participation as an electorate.** Till 2019, **only one percent have exercised their voting right.**

Initiatives taken for third gender persons

- National Council for Transgender (NCT) Persons:** To redress their grievances, **monitor and evaluate impact of policies designed for achieving equality.**
- National Portal for Transgender Persons:** To help them in **digitally applying for a certificate and identity card** from anywhere in country.
- Third gender column:** Introduced by Ministry of Railways in its reservation form and included transgender as an option in railway ticket forms.
- Employment:** MGNREGA brought employment opportunities for transgender people.
- SMILE (Support for Marginalized Individuals for Livelihood and Enterprise) scheme:** To provide welfare and rehabilitation to Transgender community and People engaged in act of begging.
- Composite Health Package:** National Health Authority provides **inclusive package for transgenders under Ayushman Bharat-PMJAY.**
- PM-DAKSH (Pradhan Mantri - Dakshta Aur Kushalta Sampann Hitgrahi):** Skill development of Transgender beneficiaries of SMILE Scheme.
- Shelter Homes- Garima Greh:** To provide shelter with **basic amenities like food, medical care** etc.

Measures taken to ensure development of third gender in India

- Economic Inclusion:** Policies must **prioritize skills training, employability, and entrepreneurship of LGBTQI+ persons.**
- Policy intervention:** Policy should be developed by engaging stakeholders i.e., LGBTQI+ population.
- Sex/Gender Reassignment Surgery (SRS) transition:** Steps should be taken to provide transition support with rehabilitation support and counseling.
- Rehabilitation: Monitoring of shelter homes to address issue of violence, discrimination** by engaging NGOs etc.
- Trans-inclusive workspace:** Organizations must **educate its workforce towards gender inclusiveness, etc.**
- Awareness:** To tackle trans-phobia by engaging role models, civil society to mainstream third gender.
- Affirmative action:** They **should be treated as 'Backward Class' under Article 15, 16 of Constitution.**
- Representation: To bring their representatives in Parliament and state Assemblies** by recognizing their civil and political rights.
- Global Best practices:**
 - International Civil Aviation Organization** allows three sex categories i.e., female, male, or "X" for unspecified.
 - Netherlands** issued policy removing gender markers from its national identity documents.