

# **Retrospective and Prospective Look on Transgender issues in Jharkhand**

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**Citation:** Dr. Rabindranath Sarma et al. (2023) Retrospective And Prospective Look On Transgender Issues In Jharkhand, *Educational Administration: Theory and Practice*, 29(4), 2448-2456  
Doi: 10.53555/kuey.v29i4.7160

ARTICLE INFO	ABSTRACT
Submitted- 3/September/2023 Reviewed- 6/October/2023 Accepted- 11/November/2023 Published-20/November/2023	Men and women are thought to be the only two genders. The gender binary refers to this. However, not everyone has that experience with their own gender. Gender identification refers to a person's internal experience of their own gender, including whether they identify as a man, woman, genderqueer, agender, nonbinary, or someone else entirely. When a person is transgender, it means that their gender identification differs from the gender that their doctor assigned to them at birth based on the appearance of their body. It's known as having your "sex assigned at birth," which is often "male" or "female." If a person's gender does not fall neatly into the categories of "male" or "female," they may self-identify as nonbinary. If a person identifies as both a man and a woman, someone in the middle, or someone wholly outside of those categories, their gender identity may be nonbinary.  <b>Keywords-</b> Transgender, Transgender-history, Transgender-law, Jharkhand.

## **Objectives-**

- To identify and discuss the primary legal, social, and economic challenges faced by the transgender community.
- To Present case studies of transgender individuals in Jharkhand.
- To examine the historical framework and societal attitudes towards transgender.

## **Methodology-**

The approach entails gathering and examining secondary data from a range of sources, such as academic journals, government reports, and NGO publications that are pertinent to transgender concerns in Jharkhand. A comprehensive analysis of the literature will be carried out in order to comprehend case studies, societal difficulties, and historical and contemporary legal systems. To find patterns, gaps, and possible areas for change in Jharkhand's legal and social environment for transgender people, data will be methodically categorized and evaluated.

## **Introduction**

Since we were young, we have noticed a group of persons who are clothed as women but have voices that are more in keeping with men. They were always someone we found to be quite secretive when we were kids. They were frequently confused as to why others would make fun of them and ridicule them without cause. Gradually, as adults, we were able to comprehend their actual struggles and the basis for the taboo that was placed on them as "Hijra." Hijra is the person who we realised was in some way referred to as different. Even though they were poorly integrated into society, Hijras occasionally visited when there was a happy event taking place at home, such as a wedding or the birth of a child.

Additionally, it is said that receiving a Hijra's blessing is a question of luck. It is really upsetting to realise that members of society only recognise them when they are asked to grace a special occasion for their own gain.

Despite being revered as the forerunners of good karma, Hijras were regularly seen requesting money at intersections. Growing up, we didn't actually understand what was distinctive about them or why they were social outcasts, despite the fact that they were frequently handled with hate. They were also known by the name Transgender.

The term "transgender" is used to refer to someone whose gender identification, or internal sense of being male, female, or something else, does not correspond to the sex to which they were biologically assigned. Contrarily, the term "cisgender" refers to those whose gender identity matches the sex to which they were born. A transgender person was assigned a male gender at birth, but having a female gender identification. A transgender man who was born with female sex but considers himself to be male. Some transgender people might not solely identify with one gender. For instance, their gender identification may have both male and female components, or they may not identify with any gender. These transgender individuals are frequently referred as "non-binary." "Genderqueer" is another term that is occasionally used to refer to individuals in this category.

People who identify as transgender may also be gender non-conforming, adopting behaviours and ways of life that are not normally connected to the given sex at birth. In other words, people may use their speech, actions, clothing, hairstyle, and other behaviours to convey their gender identity. It's also typical to choose a new name that more accurately reflects one's gender identification. Not all transgender people, but some do, choose to have their bodies altered through medical procedures so that they are more in line with their gender identity. Hormone therapy, surgery, and other procedures are all possible forms of treatment (Contributors).

### Gender Dysphoria

A medically acknowledged type of psychological suffering known as gender dysphoria may be brought on in some transgender people by the disagreement between the sex they were assigned at birth and their gender identification. Although gender dysphoria may not manifest until adulthood, it can occur in adolescents. People who experience gender dysphoria have a strong and persistent urge to change their gender identity and get rid of the sexual traits they were born with. The danger of social dysphoria is increased when one feels abandoned by one's family and by society. Working with a supportive psychotherapist is necessary for treatment, which may entail changing one's name or undergoing body-altering medical therapy in order to "confirm" one's gender identity.

### Gender euphoria

When a transgender or nonbinary person feels happy, relieved, or content with their gender identity, they are said to be experiencing gender euphoria. When a person experiences harmony with their gender identity, their body, and/or their gender expression, gender ecstasy may result. Gender ecstasy can also happen when someone is socially accepted for who they are, such as when affirming gendered language is used. An illustration might be a trans woman who enjoys being addressed as "ma'am."

### History of the Term

The term androgyne, which literally means "Male and Female in One," was first used in France in the early 14th century. Historical analysis of terminology is extremely important. Around the middle of the 17th century, the word continued to evolve into androgynous, which gave a much more precise definition: "Uniting the physical characteristics of both the sexes at once male and female." The other term is transvestite, which German sexologist Magnus Hirschfeld first used in 1910. Its definition is "A person with an unnatural desire to wear the attire of the other sex." ". The term "transsexual," whose precise meaning is that, requires special attention "possessing both the psychological and physical traits of the opposite sex." It would be quite unjust on our behalf to treat transsexualism similarly to trans-gender-nism.

The American Psychological Association gave a very solid description of the distinction between sex and gender in this situation as the main motivating factor. "Sex, which is biologically determined at birth and designates a person as either male or female, is primarily determined by physical characteristics like chromosomes, hormone levels, and exterior and internal anatomy. The socially constructed roles, behaviours, activities, and characteristics that a particular society deems proper for boys and men or girls and women are referred to as gender. These affect the behaviours, interactions, and self-perceptions of individuals. While features of biological sex are universal, there may be differences in terms of gender.

Although it does involve the attitude of two people, the concept of sexual orientation is more closely tied to the interactions between two people than to transgender identity. An individual's persistent physical, romantic, and/or emotional attraction to another person is referred to as their sexual orientation. Self-identification as male, female, or neither of the two is known as gender identity.

### Retrospective Look or Religious and Cultural History of the Transgender community

There are Hijras, eunuchs, Kothis, Aravanis, Jogappas, Shiv-Shakthis, etc. in India's transgender population. There have been eunuchs since the ninth century BC. Hijra is an Arabic term with a Semitic base that originates in Urdu, as evidenced by the word's form. Its meaning is "leaving one's tribe." Three genders were recognised

in ancient Vedic society, and the name also has roots in the Greek language, where it means "Keeper of the bed."

These communities are a part of the global population, whether they live in China, Japan, the United States, Britain, or India. India is one of the world's countries with the widest range of religions and cultural traditions. She has a very old history that reflects the traditions and usages that were common at the time. What's noteworthy is that these traditions and customs are still in use in the twenty-first century. The idea of Hijras and other transgender people is not a new one in India; it has existed since the time of our forefathers. Hijras, eunuchs, Kothis, Aravanis, Jogappas, Shiv-Shakthis, and other members of the transgender community are represented in Hindu mythology and other religious texts and have a long history in our nation. The vedic and puranic literatures include the Kama Shastra, an ancient Hindu treatise that labels males who want other men as having a "third nature" and refers to them as the "tritiyapakriti" or third gender. The term "napunsaka" is frequently used to describe someone who lacks the ability to procreate.

After being exiled from the kingdom for 14 years, Lord Rama, in the epic Ramayana, asked all the "men and women" to return to the city as he turned to head for the jungle. The hijras are the only ones of his followers that do not feel constrained by this approach and opt to stick with him. Rama is impressed by their devotion and grants them the right to bless people on auspicious occasions like births and marriages as well as at ceremonial gatherings that are thought to have given rise to the practise of badhai, in which hijras sing, dance, and bestow blessings. According to Hindu mythology, the Indian Hijra community is protected by the Hindu goddess Bahuchara Mata.

In the Mahabharata, Aravan, the son of Arjuna and Nagakanya, offered to be sacrificed to Goddess Kali in order to guarantee the Pandavas' victory in the Battle of Kurukshetra. His only request was that he spend his final night married. No woman wanted to wed a man who was destined to die, but Krishna took the form of Mohini, a stunning woman, and wed him. The Hijras of Tamil Nadu refer to themselves as Aravanis and view Aravan as their ancestor. Iravan/Aravan, the patron deity of the well-known transgender groups known as Ali, continues the narrative. Additionally, numerous Bengali and Sanskrit manuscripts from the 14th century, such as the Krittivasa Ramayana, have shed insight on Indian custom. Even though Hijras were acknowledged and given prominence in our old customs and practises, the situation has gotten worse with time (iilsindia).

In the third chapter of the Kamasutra, "Auparishtaka," Vatsyayana made a statement regarding a segment distinct from the male and female sections known as "tritiya" nature or third gender. The transgender community is now referred to as the third gender, and Vatsyayana identified them as having the "tritiya" nature. Transgender people appear to exhibit Vatsyayana's beliefs and remarks about the "tritiya" nature. According to the 'tritiya' nature, men dress like women and wear costumes made for them, while women dress like men. Ancient Hindu law, medicine, linguistics, and astrology all address the third sex.

The Manu Smriti (200 BC–200 AD), the primary source of Hindu law, provides an explanation of biological sex. According to this theory, more male seeds result in the birth of male offspring, more female seeds result in the birth of female offspring, and if both male and female seeds are present in equal amounts, there is a chance that girl and boy twins or third-sex offspring will be born. If either of the seeds is weak or insufficient, conception fails. The ancient Sanskrit language includes three grammatical genders that are derived from three natural genders, as can be shown by looking at its grammar. Hermaphrodites are also referred to as a third "neuter" gender in the oldest Tamil grammar, the Tolkappiyam (third century BC).

Brahmandapurana, written hundreds of years ago, also provides a thorough explanation of transgender, including its definition and development process. A child is actually created or produced as a result of male-female copulation. Male semen that enters the uterus during an intimate act unites with the blood inside to produce an embryo, which then develops into a child. According to the Brahmandapurana, the rate at which the baby's semen and blood combine in the uterus determines the gender of the child. The gender will be male if the blood flow rate is higher in the semen blood mixture, and female if the opposite is true. The third gender, known as eunuch, will instead be produced if the ratio of blood to semen is equal and balanced in the mixture. The Brahmandapurana claims that eunuch's birth was likewise the result of a natural procedure. It's frequently assumed that Lord Shiva's transsexual form combines his masculine and feminine sexes.

The nine planets in the universe are said to correspond to different genders in Vedic astrology, which is based on a precise science. The third gender, also known as "tritiya-prakrti," is linked to the planets Mercury and Saturn, the latter of which is also known as "Ketu" in some cultures. The Puranas also make mention of three different types of "devas" of music and dance, including "apsaras" (female), "gandharvas," and "kinnars" (neuter).

Further evidence of transgender people's existence can be found in epic poems like The Mahabharata and The Ramayana. The public already knows the majority of them. The Shikandi (a mixed-race character) from the Mahabharata received greater attention than the Shikandi from the Ramayana. Amba, the daughter of the king of Kashi, has taken a new life as Shikandi. Shikandi lived with the intention of killing Bhishma, the person who had insulted him in his previous life. Shikandi supported the Pandavas during the Battle of Kurukshetra and contributed to their victory by fighting with them. Arjuna skillfully waged battle with Bhishma by positioning Shikandi in front of him in order to kill him because Bhishma had been granted a fair death. At the conclusion, Bhishma, who had taken a pledge not to fight in battle alongside ladies or homosexual individuals, was killed by Arjuna and Shikandi. In order to bestow blessings and benedictions, Shikandi, who had close relations to the Pandavas, is also seen attending Arjuna's son Abhimanyu's wedding.

In addition to the puranas and epics like the Mahabharata, there are statues of homosexuality in the temples of Konark and Khajuraho. Arjuna, the Mahabharata hero, appears to accept the following third-gender vow:

***'Arjuna replied, 'O lord of the Earth, I will declare myself as one of the neuter sexes. O monarch, it is, indeed difficult to hide the marks of the bowstring on my arms. I will, however, cover both my cicatrized arms with bangles. Wearing brilliant rings on my ears and conch-bangles on my wrists and causing a braid to hang down from my head, I shall, O king, appear as one of the third sex, Vrihannala by name. And living as a female I shall (always) entertain the king and the inmates of the inner apartments by reciting stories'(Wankhede).***

The crucial point that demands attention is how the transgender problem suddenly became taboo in our society, despite the fact that it had previously been mostly accepted. The public's hostility against conservatism stems from two factors: first is taking for granted the British legal perspective of legalising the intercourse, for which such intercourse was "Unnatural 12." Second, as "Majority Syndrome," which must be viewed as an odd aspect of the Indian culture of ignorance of rights of the minorities, be it the Untouchables or third gender. Thus, we must alter the way we think about the reality that the UK legalised homosexuality in 1967.

However, when the Indian subcontinent was turned into a colonial state in the 19th century, British rulers attempted to exterminate the hijra group by enacting several laws. These regulations were eventually revoked following Indian independence. The transgender community in India may be the most well-known and well-liked third type of sex today. The Supreme Court declared that transgender people belong to a third gender

Despite being acknowledged as a third gender, the transgender population is still regarded as a group that faces significant challenges in leading a regular life as a binary gender, and they frequently become targets of violence and prejudice. The prevalence of hate crimes and various forms of intergroup harassment against the community is another source of tremendous frustration. The government has responded to this by calling for the immediate introduction of laws safeguarding transgender individuals, fixing the illegal actions of those who harass transgender people, imprisoning those responsible for such inhumane acts, and enacting other sanctions for offenders(Devashish).

In India, the third genders have become a significant voice for LGBT (Lesbian, Gay, Bisexual, and Transgender) rights. The Indian government has implemented numerous welfare policies and programmes in the modern era, including the census, documentation, issuance of citizenship ID cards, issuance of passports, social and economic development, and constitutional protections for transgender individuals. A significant initiative of the 11th Five Year Plan period, the Mahatma Gandhi National Rural Work Guarantee Act (MGNREGA) created employment prospects for transgender individuals.

The National Urban Livelihood Mission and Healthcare Facilities are under the Ministry of Housing and Urban Poverty Alleviation. the transformation of society's social, economic, and political structures; housing; legal measures; police reforms; legal and constitutional protections against violations of the rights of the transgender community; and institutional mechanisms for addressing the particular issues that transgender people have.

### STATUS OF TRANSGENDER IN JHARKHAND STATE

More than 4,87,802 transgender people reside in India, and there are about 13,000 of them in Jharkhand, according to the 2011 Census. During the COVID-19 Lockdown, the transgender community has gone unnoticed. During the Lockdown, they have not received any social safety nets or assistance programmes from the federal government. Transgender people's ability to support themselves depends on their ability to engage with others, but societal exclusion has isolated them from everyone. The majority of transgender individuals in the state of Jharkhand rely on begging. But transgender people are now trying to make ends meet due to the nationwide lockdown. People who identify as transgender experience stigma and discrimination from their families, and they are frequently cast out and excluded.

- A transgender person has been appointed to a bench established by the Ranchi district legal service authority (DLSA) to resolve disputes in the National Lok Adalat, marking a first for Jharkhand (NLA). The 38-year-old transsexual **Amruta Soni**, a well-known social activist, will sit on the NLA bench number 19, which also includes a judge and a panel attorney. Soni, a native of the Maharashtra area of Sholapur, graduated in 2007 from Jamia Milia University and went on to earn an MBA in marketing from the Symbiosis Institute in Pune. Soni was a former sex worker who had to beg on the streets during her childhood.

The Lok Adalat is a place where legal issues and matters that are still pending in court or in the first stages of litigation can be amicably resolved. The Legal Services Authorities Act of 1987 grants the Lok Adalat statutory status. Before moving to Ranchi in May 2020 and joining TRY, which operates hospitals with assistance from the Jharkhand tribal welfare department and also works for female sex workers, Soni was a part of project Vihaan, which helped HIV-positive individuals in Chhattisgarh. Soni, who served as the first event's special guest, stated that such actions will go a long way toward transforming the way that people view transgender and sex workers, who are despised in society.

As this is one of the finest ways to integrate trans people into society, we can only hope that DLSAs in other districts would adopt this model and include both educated trans people and sex workers in the panel. Justice Apares Singh, the executive chairman of the Jharkhand Legal Services Authority, gave the order that a transgender person be added to the state's National Lok Adalat bench (SAHAY). Soni was chosen based on her experience and work since it was directed to take action to integrate transgender people and sex workers into society. In Jharkhand, this is the first occasion. The decision also aims to encourage sex workers, transgender people, and people living in urban slums to contact the DLSA about their issues.

The institutionalised discrimination against the transgender minority in India has been ordered by the vast majority cisgender society. The transgender community didn't truly feel seen and heard as people with their own distinct identities until the Supreme Court's NALSA ruling in 2014. The Transgender Protection Act, 2019, which sought to provide rights for the community, was eventually passed as a result of this. However, it is not surprise that the legislation made one step forward and two steps back from its intended goal. Realizing the rights of transgender people has taken longer because of the community's established prejudice.

The Navtej Singh Johar vs. Union of India decision, which decriminalized Section 377 (penalty for unnatural sex) of the Indian Penal Code, gave the NALSA decision its full significance only in 2018.

- The district administration in Ranchi, Jharkhand, has started looking for a location to establish a shelter home for the transgender population. This is likely the first district administration in this state to do so. Vishal Sagar, the deputy development commissioner (DDC), stated that although four locations in the capital have been chosen, the location is still being finalised. In this regard, he had also met with the district social welfare officer and the Divyam Dream Foundation, a nearby NGO working on the issue. The source insisted that deputy commissioner Chhavi ranjan was the inspiration behind the project, which aims to provide comprehensive assistance to the transgender minority in its struggle against social stigma and for the right to live a dignified life.

They are working to have the shelter house ready as soon as possible. Although they have roughly four venues in mind, they have yet to settle on one. The first challenge that is now being faced is a certain type of opposition from a few locals in those localities because of societal stigma. but they're optimistic that they'll find it soon.

Members of the transgender community will be able to live in a respectable setting and seek some vocational training to support themselves there. Anyone who wants to continue their education while they are here is welcome to. They discovered that a trans person from the city just enrolled to pursue a degree at Ranchi University (MUKESH).

However, merely legalising transgender people is insufficient to ensure real equality for them under the law. To prevent people who do not fit into the current gender binary from being abandoned in a state of oblivion, it is essential to design a framework that confirms trans-inclusion in society and make persistent efforts in this direction.

Since the NALSA ruling, the High Courts in India have issued key judgements and rulings that have advanced the rights of the community. It is important to mention that judges have taken deliberate steps to understand the community's perspectives and the issues they encounter by consulting psychiatrists and counsellors in order to avoid falling victim to the pervasive prejudice towards trans people.

- Six men are accused of gang raping a 17-year-old transgender kid in Patratu Valley, around 30 kilometres from Ranchi, the state capital. The child, who is thought to be from Hazaribagh, was returning from Patna, Bihar, after attending a wedding that evening when the car he was travelling in was stopped in the valley by six adolescents on two bikes, according to a source at the state-run hospital. After scaring the driver into running, the gang took the adolescent to a nearby forest and gang-raped him there. They attempted to poison him as well, but the youngster was able to get away. With the aid of a truck driver, he got to Ratu Thana and reported the occurrence. Around 11 p.m. that same night, he was taken here for a medical examination.

After Ratu police transmitted a taped statement from the victim of an alleged gang-rape, the situation came to light this morning (telegraphindia).

- Rajkumari Kinnar, also known as Rajkumari Kinnar ma, is a well-respected trans lady from the town of Ritudih in the Bokaro region of Jharkhand. And with good cause. The 55-year-old has not only raised eight orphans on her own and given them new lives, but she also routinely organises food and clothing drives for the less fortunate and uses around 75% of her income to pay for wedding celebrations for families who are marrying off their daughters. She has additionally contributed to the education of kids living in the Ritudih neighbourhood orphanage.

People who invite her to their homes to bless them, their infant children, or the newlyweds in their families make up the majority of her customer. She occasionally also plans street dancing performances. There is never enough money to buy food or other necessities because she tends to put other activities and assisting others ahead of her family's needs. Although she receives generous offers from many helpful vendors who are aware of her circumstances, she never accepts mercy. Instead, she works odd jobs around the city to supplement her income. Rajkumari has been living independently since she was just 10 years old. She accepted her gender identity fairly early on, but her parents abandoned her and sent her away because they could not. She found



herself on the streets outside a shrine with nowhere to go. She was graciously taken in by several members of a ran's community in Bokaro, who also provided her with food and shelter. She vowed that no one else would ever experience the same emotions or difficulties she endured. This is the motivation for her actions. She has eight children, the youngest of them is a 9-month-old boy, and five of them are girls.

In the transgender community, Rajkumari received a lot of criticism for trying to start her own family. They made it difficult for her to make a living by assuming control of the spaces where she used to perform and giving her blessings since raising a family and providing social services are perceived as things that go against the community norms. Even after she reported them to the police, nothing was done to stop them. She soon realized that people would occasionally try to stop her from spreading love, but she kept assisting those in need (Muthukumar).

### **Consistent improvements from the State and the judicial**

Despite the numerous victories the transgender community has seen in India thanks to landmark judgements, systemic oppression and queerphobia, which are widespread at various levels of society, occasionally rear their ugly heads. Through ad hoc progressive decrees and decisions, courts all throughout India have attempted to address instances of oppression and prejudice experienced by the transgender community.

The Tamil Nadu government was recently ordered by the Madras High Court to compile a lexicon with recommendations for 24 phrases and expressions for a dignified identity when referring to the LGBTQIA+ group.

### **Tackling queerphobia in the medical field**

It was noted in a recent lawsuit before the Madras High Court that LGBTQ+ prejudice and queerphobia are amplified at Indian medical schools. It was discovered that a number of therapies given to transgender people by medical professionals fall under the category of "conversion therapy" even though they are intended to assist their physical and mental wellbeing. Going deeper into the issue, it was discovered that this apathy was caused by the medical curriculum that doctors learn throughout their formal training, which classifies cross-dressing as a sexual aberration and sodomy, lesbianism, and oral sex as sexual offences. This eventually filters down to the procedure used when people who identify as LGBTQ+ visit clinicians.

A variety of state agencies received recommendations for comprehensive steps, including changing the curriculum to help students learn about the concerns of the LGBTQ+ population. If any professional is discovered engaging in the practice of changing someone's sexual orientation, the Bench threatened to take stern action.

### **Implementing changes within the security force**

Given the prevalent stigma associated with LGBTQ people, the antagonism they encounter at the hands of police officers who withhold protection and harass them is extreme. The cops are kept in the dark because there is no internal notification or circular. The following was the Court's instruction in this regard:

- The Police Department must stop harassing members of the LGBTQ+ community, activists, and organizations that support these populations.
- The Police Conduct Rules must include a provision outlining the sanctions for harassing LGBTQ+ allies or people.
- Sensitization campaigns to be carried out by individuals who identify with the community or by activists who support the cause.

The Karnataka government issued a regulation in 2020 prohibiting transgender people from becoming police officers. But in July of that same year, the Karnataka government decided to make it a policy to give transgender people a preference when applying for State police jobs.

Additionally, it was requested that reservations be made for transgender people in public employment, public education, and the allocation of housing sites and programs, just as they are for other reserved categories, based on age, cut-off scores, and physical requirements. The Karnataka government formally concurred in July 2021 and was the first to implement a 1% reservation for the transgender community in public employment. Soon after, a new petition was filed asking for reservations for transgender people in State-owned businesses and statutory bodies.

Similar to this, the Calcutta High Court permitted transgender people to sit for the Kolkata Police recruitment exam in October 2021. Regarding the position of sub-inspector/lady sub-inspector in particular (unarmed branch).

### **Educating media outlets on issues affecting LGBTQ+ people**

The Madras High Court recently issued an order that noted the various steps being taken by the media to enhance sensitivity when reporting on trans matters. Here are a few of the actions being taken:

- To create a future that is welcoming to LGBTQ people, seminars are being planned.
- list of phrases and words to use while writing or reporting on the LGBTQ+ community

- editors and reporters receiving formal training while covering and writing stories about gay topics

### **The Central Government is Taking Measures for the Trans Community**

The Central Government is taking the following actions for the transgender community's benefit:

- funding towards the construction of shelter dwellings as part of the Garima Greh project
- the creation of the Support for Marginalized Individuals for Livelihood and Employment programme by the Union Ministry of Social Justice and Employment (SMILE)
- Online training courses that allow district magistrates or collectors to issue identity cards to transgender people on a nationwide portal
- organizing educational events for members of child welfare committees, juvenile justice boards, jail staff, government authorities in charge of healthcare, and journalists.

### **Alterations made to schools**

Guidelines were set forth in a Madras High Court judgement issued in June 2021 to create an environment that is welcoming to LGBTQ+ people in schools. Many of them included:

- Make sure the student who identifies as gender non-conforming has access to gender-neutral toilets.
- Change of name and gender on a transgender person's academic records
- Adding the word "transgender" to admissions forms, applications for competitive examinations, etc.
- Appointing LGBTQ+-inclusive counsellors to listen to complaints and offer solutions to staff and students.
- Implement the policies established for transgender people's health, education, and social security.

### **Separate toilets for transgender persons**

Transgender people's right to privacy would be violated if they used the same restrooms as people of either gender binary, according to a plea that was filed earlier this year with the Delhi High Court, requesting that it order the State government to build special restrooms for them. Additionally, when transgender people use bathrooms intended for males or women, it makes them uncomfortable and leaves them up to harassment. The Delhi government had stated that the letter "T" will be put to bathrooms built for the disabled so that transgender people may also use them. The Court informed the State of this, but there had been no update on its implementation.

### **LGBTQ+ weddings are now legally recognized**

Many petitions were submitted to the Delhi High Court asking for the legal recognition of same-sex and trans marriages. One of the petitioners sought the court to recognise the wedlock on the grounds that they and their spouse believed they were legally wed in God's eyes after adhering to marriage rituals. The petitioners emphasised that LGBT couples should be given the same support that inter-caste and inter-religious couples have received under the standard set down in constitutional court judgements(Chacko).

### **Other progressive rulings**

In a key decision issued in March 2021, the Kerala High Court ruled that a transgender person should not be excluded from the National Cadet Corps (NCC) based solely on their gender identity.

Ankani Biswas, a transgender person, was appointed by then-Calcutta High Court Acting Chief Justice Rajesh Bindal to be empanelled as a lawyer in the West Bengal State Legal Services Authority in July 2021 as a result of the Karnataka High Court order providing 1% reservation in government employment. First transgender person to hold the job is Biswas.

The Kerala High Court ruled in 2018 that the transgender community's right to live as they choose is covered by the freedom of speech and expression granted by Article 19(1)(a).

The State government was given instructions by the Gauhati High Court to take suitable action to advance the health and welfare of the transgender community in November 2021.

A related legal challenge is whether a transgender person who came out before accepting a post designated for women will be permitted to do so going forward. These instances highlight the crucial fact that any transgender inclusion is at odds with binary rules that cater only to cisgender identities. It makes clear that the 2019 Act's present definition of "transgender persons" must take into account the variety and individuality of distinct gender identities. Laws must be generously interpreted to ensure that transgender individuals are included until the necessary legislative changes are enacted.

Additionally, rape against transgender people is a crime punishable by 6 months to 2 years in prison and simply a fine under Section 18 of the Act. This is a much less severe penalty than the one that applies to cisgender women who commit rape under Section 375 of the IPC. Therefore, it is crucial to offer sufficient punishment for sexual offences committed against transgender people.

## **Results and Discussions**

The term "transgender" emerged to describe individuals whose gender identity differs from the sex assigned at birth. In Indian culture, transgender individuals, often referred to as Hijras, have a long history, mentioned in

ancient texts like the Mahabharata and the Kama Sutra. Despite this historical presence, they have faced social ostracism and marginalization. In Jharkhand, the transgender population struggles with social acceptance and economic instability, compounded by a lack of proper education, employment opportunities, and healthcare facilities. Discrimination in housing and public spaces further exacerbates their challenges.

Significant improvements have been driven by judicial mandates and government policies. The landmark NALSA judgment of 2014 by the Supreme Court recognized transgender people as a third gender and affirmed their right to self-identify, mandating equal rights and opportunities. Following this, the Transgender Persons (Protection of Rights) Act in 2019 aimed to prohibit discrimination and ensure access to education, employment, and healthcare. In Jharkhand, the state government has initiated welfare schemes, including skill development programs and financial assistance. Despite these efforts, historical and cultural stigmatization continues to hinder their full integration into society. Continued efforts from society, government, and judiciary are crucial in fostering an inclusive environment for the transgender community in Jharkhand.

### Conclusion

With the legal recognition, policy support and the transgender community being identified under the SEDGs, the movement for inclusion and acceptance of transgender persons has received a strong backing in India. Further, it is the responsibility of each individual at all micro and macro levels to create a 'gender inclusive' environment around them at their households, workplaces and other institutions. With more awareness, empathy and a welcoming attitude we can pave the way for a country, in rainbow colours, where we respect, support, and celebrate the engagement, expression, and well-being of all members of the LGBTQIA+ community.

It is evident that a growing number of transgender people in India are hiding their identities due to social shame, anxiety, and fear of prejudice. In 2014, they made their official debut as Third-Party Gender. These individuals frequently dress in sarees and prowl the streets begging. They have very little employment since neither the government nor the business sector demand it. So, they rely on begging, singing, and dancing to support themselves. They are primarily governed by the Caste and the Tribe (ST) organized as a community of repatriates in India. They also dabbled in sexual activity. Although the Indian government has lately begun to take them into account, public acceptance will also take some time. The Indian government is creating a number of policies and programmes to enhance education and address societal issues, it can be inferred from the aforementioned data.

Unlike the other parts, Jharkhand: also, not exceptional. The issues of transgender are coming at the same time, which raises in other parts of the country. Even various issues and laws come to the administrative offices of Jharkhand.

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