

## **Transgender Identity, Marginalisation and State Responses: A Comparative Study of Tamil Nadu, Maharashtra and West Bengal**

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### **Abstract**

The transgender community in India has long experienced marginalisation due to rigid gender binaries, social stigma, and limited institutional recognition. Despite recent legal advancements, transgender persons continue to face discrimination in education, employment, healthcare, family life, and access to public spaces. This paper examines the relationship between transgender identity, socio-economic exclusion, and state responses through a comparative study of Tamil Nadu, Maharashtra, and West Bengal. Using a qualitative, descriptive, and comparative research design, the study relies on secondary data drawn from academic literature, government reports, census data, policy documents, and credible media sources. Thematic analysis is employed to identify key areas of marginalisation, while a comparative framework evaluates state-level initiatives such as transgender welfare and development boards, identity documentation, healthcare provisions, educational inclusion, and livelihood support. The findings reveal notable inter-state variations: Tamil Nadu emerges as a pioneer in institutional welfare mechanisms, Maharashtra reflects progressive policy intent with conceptual limitations, and West Bengal adopts a development-oriented approach. While these initiatives signal important progress following the 2014 NALSA judgement, persistent challenges remain in effective implementation,

social acceptance, and participatory governance. The paper concludes that legal recognition must be complemented by inclusive social attitudes and sustained, rights-based policy interventions to ensure dignity, equality, and empowerment for transgender persons in India.

**Keywords:** *Transgender identity; Marginalisation; Gender binaries; State policy interventions; Transgender welfare and development boards*

## **Introduction**

In India, the transgender community has been marginalised for centuries and still fighting for their right to identity. Transgender politics is one of the escalating issues in our contemporary Indian society which challenged the age long concept of gender dichotomy as well as the legitimacy of the State.

Gender studies involve the concept of gender binaries that is male and female, where the former dominates over the latter in a patriarchal society. In this respect it is important to understand the basic difference between 'sex' and 'gender'. The former refers to the biological characteristics whereas the latter refers to the social and cultural characteristics. Sex is what we all are born with but gender is constructed by the society. Thus, our body gets gendered as either male or female according to our assigned sex at birth. All characteristics associated with masculinity are considered as superior and those associated with femininity as inferior. This is how sexual politics developed its roots by controlling over sexuality. Both male and female are used as primary category in all societies but with time there have been changes in the perception of the people with regard to their gender identity.

In this respect, the concept of 'transgender' emerged, which is relatively new, dating from the late 1980s and it was not until the mid-1990s that it was used in its current popular sense. It is an umbrella term that describes many people who transcend "normative" embodiments of masculine and feminine, including transsexuals, cross-dressers, drag queens and kings, gender queers, and other gender variant people. (Weiss 2009, 27-28) The term is applicable to a range of individuals who express their gender in non-traditional ways. In general, transgendered people find their sense of self as female, male, or other to be in conflict with their assigned gender role (which was based on genital anatomy at birth). The term transgender can be accurately applied to self-identified bigender, gender radicals, butch lesbians, cross-dressing married men, transvestites, intersex individuals, transsexuals, drag kings and queens, gender-blenders, queers, gender queers, two spirits, or he-she's. These individuals may form their own social networks, hence the term "transgender community." The term transgender is used to refer to people who claim the term on the basis of feelings that their assigned gender role is incongruent with their sense of self. Many people deviate from traditional gender norms. In the broadest sense, perhaps we all do, but most do not self-identify as transgendered. Sexual orientation refers to one's emotional and sexual attractions, whereas gender identity refers to one's sense of self as being female, male, or otherwise gendered. (Burdge 2007, 243-244)

Transgendered individuals are targeted for mistreatment when others attempt to enforce conventional gender boundaries.

This work discusses about the gender-based oppression that has resulted into identity crisis for the transgender community. The existence of the transgender

community within the mainstream society was always denied because of their lack of identity clarity. However, it is only recently that the transgenders have come out of their closet and airing their problems. They are claiming for their rights and recognition before the Government as being the citizen of the State and challenging the alien law of section 377 under the Indian Penal Code.

Our society recognises 'male' and 'female' as the primary gender category and accepts the heterosexual relation between them. Any deviation from this binary framework of gender is taken to be 'unnatural' or 'not normal' and society ostracizes those individual or group of them. In this context, the transgenders were never recognised as a part of the society. Even when 'transgender' or 'third gender' has been legally recognised, non-acceptance from society still prevails. The 'gaze' of the people requires change in order to make the orthodox society 'inclusive' by accepting the transgenders as a valuable part of it. If the third sex people are nurtured and inculcated with adequate skills, they can even contribute towards the development of the society. But reality shows stigmatization and discrimination towards the transgenders who are still fighting for their existence and identity.

### **Statement of the Problem**

Transgender community in India were treated with much respect in the past but with the coming of the British rule, it introduced anti-sodomy law as a measure of Puritanism. This law criminalises the act of homosexuality and as a result 'transgender' as an identity got threatened. Since then, transgenders remained in a closet, hide their identity for the fear of punishment and treated no less than an untouchable.

**1. Identity:** This is the biggest challenge that they face in every step of their life. They constantly fight for their identity as a 'trans-gender' and also for their existence as a 'human being' and not as an 'alien'. Identity crisis is the major hurdle that they face because of lack of recognition from the society which recognises the binary division of gender of 'male and female.' Trans people are stigmatised because their gender identity is questioned at every possibility of their life. They are still fighting for their gender recognition as 'transgender' which has been legally recognised as the 'third gender' by the NALSA declaration in 2014.

**2. Employment:** Non-acceptance from society resulted in lack of employment opportunity for the transgender community in India. Thus, they are left with the only option of begging and the ceremonious performance they do for a new born as a form of blessing, for their survival. They even earn money through sex work. Though such practices are condemned in society, they receive the money but people never fail to abuse them.

**3. Education:** Transgender people are hardly educated. The family of the transgender people hardly send them to school out of the fear of social harassment and their child will be taken away by the Hijra community. Though this is not the case with all the families, this is the case found mostly in relation with the intersexed child. Even in the cases with those- MTF and FTM transgender people, to pursue education they either had to hide their real gender identity or had to give up studies. There is no provision for 'third gender' or as "other" in educational institutions except recently this category has been added in Jadavpur University and Presidency University. But no school has this provision and neither the colleges.

**4. Public Facilities:** This is the area where they face immense problem and harassment. Public toilets either categorised as 'gents' or 'ladies' but no provision for the transgender people. So, when they use either of the toilets they face with resistance from that section of the gender group. Transgender community continuously have to fight for their basic rights and use of other public facilities like- travelling in public transport they have to deal with public taunts, teases and gaze that signals rejection towards them. Similar condition they face while visiting restaurants, in hospitals and other places.

**5. Family Life:** Under section 377 of Indian Penal Code marriage between same sex people or any deviation from heterosexual relationship is not legally recognised and considered as not normal. Thus, transgender people in such situation take resort to social marriages with their partners and live secretly with them or they are compelled to opt for SRS for leading a 'normal' family life.

**6. Politics and Decision making:** Hardly any transgender individual is represented in any political party and their interests are given prominence. Neither at the grassroot level nor at the national level that they are adequately represented. There are number of transgender activists, journalists and scholars that recently made their existence felt in the conservative Indian society. \_

**7. Medical Benefits:** Transgenders are sexually exploited, harassed and susceptible to diseases like HIV/AIDS. No special wards are there in hospitals whether private or public. Here the transgender individual face discrimination in which ward they are to be admitted whether male ward or female. Other than this, they have to bear the full cost for SRS if they wish to opt for. All transgender does not receive

help free medical check-up. It is only through few NGO's or community-based groups that help the Trans people, that too small fraction of them that they could reach.

## **Objectives**

- To review the concepts of Gender and Transgender community.
- To present the statement of problems that has resulted into marginalised conditions of the transgenders in India.
- To critically evaluate the measures undertaken by the State Governments for the transgender in the states of Tamil Nadu, Maharashtra and West Bengal.

## **Methodology**

### **Research Design**

The present study employs a **qualitative, descriptive, and analytical research design** to examine the socio-economic marginalisation of the transgender community in India and to assess the effectiveness of state-level policy interventions. A qualitative analysis has been done on conceptual, social, and policy-based issues that cannot be adequately captured through quantitative indicators alone. The study also adopts a **comparative case-study approach**, selecting Tamil Nadu, Maharashtra, and West Bengal as purposively chosen sites due to higher percentage of transgender population in the chosen states and their relatively advanced institutional mechanisms—such as transgender welfare or development boards—along with their documented policy initiatives.

### **Data Sources**

The research relies exclusively on **secondary sources of data**, collected from a wide and diverse body of literature. These include academic books, peer-reviewed

journal articles on gender and transgender studies, reports published by NGOs and international organisations such as UNDP, government policy documents and notifications, and reliable digital news sources. Statistical information, particularly demographic and literacy data, is drawn from the **Census of India (2011)**, which provides the first national enumeration of transgender persons. Additional insights are derived from media reports, official state announcements, and scholarly commentaries that document the lived realities, legal challenges, and developmental concerns of transgender individuals across India.

### **Data Analysis**

The collected materials were analysed using **thematic and interpretive qualitative methods**. Thematic analysis was employed to identify recurring patterns related to identity recognition, socio-economic exclusion, access to public facilities, educational constraints, political underrepresentation, and healthcare challenges. A **comparative analytical framework** was then used to systematically evaluate the policy interventions undertaken by Tamil Nadu, Maharashtra, and West Bengal. This involved assessing the scope, implementation, and outcomes of welfare measures such as identity documentation, educational reservations, healthcare access, and livelihood support. The comparative approach enabled the study to foreground differences in state responses and to critically examine their implications for transgender empowerment.

### **Transgender in India: Condition and Prospects**

In India, total population of transgender is around 4.88 lakh as per 2011 Census. Indian Census has never recognised the third gender i.e. Transgender while collecting census data for years. But in 2011, data of transgenders were collected

with details related to their employment, Literacy and Caste. The data of Transgender has been confined inside “Males” in the primary data released by the Census Department. For educational purpose, separate data of Transgender has been curved out from that (Nagararajan, 2014).

Top Five Transgender Populated States in India:

| STATE         | TRANSGENDERS | CHILD<br>(0-6) | SC     | ST     | LITERACY |
|---------------|--------------|----------------|--------|--------|----------|
| INDIA         | 487,803      | 54,854         | 78,811 | 33,293 | 56.07%   |
| UTTAR PRADESH | 137,465      | 18,734         | 26,404 | 639    | 55.80%   |
| ANDRA PRADESH | 43,769       | 4,082          | 6,226  | 3,225  | 53.33%   |
| MAHARASHTRA   | 40,891       | 4,101          | 4,691  | 3,529  | 67.57%   |
| BIHAR         | 40,827       | 5,971          | 6,295  | 506    | 44.35%   |
| WEST BENGAL   | 30,349       | 2,376          | 6,474  | 1,474  | 58.83%   |

Source: Census of India, 2011

Transgenders recognised by the Government of India in the census 2011 is a giant leap forward for the community which till now remained faceless and ignored in the society by large. The Government will now have an exact count of the community which will help them to shield the shunned community against all kinds of injustices towards them. In the above table it is clear that Uttar Pradesh has the highest population of transgender people but Maharashtra leads in terms of literacy rate and this is definitely a step towards empowering the third sex group in the State of Maharashtra. Education is very important for all the three categories of individual- male, female and transgender for developing their status of living. Provision for primary education is necessary for the third gender people as most of them lack the ability to write their own names or don't know how to do a signature.

This paper will focus on some of the States that have tried to contribute for the upliftment of this community in India, they are- Tamil Nadu, Maharashtra and West Bengal, taking help from various textual sources like- articles, journals, newspapers and web sources.

### **Tamil Nadu**

Transgenders in India often have to contend with mixed responses whenever they are in public spaces. This has led many of them to live mostly in segregated slums. According to a report in the Times of India, 30 May 2014, an official count puts the number of the transgenders in India at 4.49 lakh, about 4.5% or 22,000 of them live in Tamil Nadu (Nagarajan, 2014). Eking out a livelihood from begging and commercial sex work, they continue to remain marginalised, ghettoised and disempowered as a community.

In Tamil Nadu a movement started by a group of transgender activists has contributed much to transgenders being able to procure documents and thus insist on certain civil rights. These documents include ration cards, voters' identity cards and passports. Tamil Nadu is the first state to accord a gender status (third gender) to this community (Gopalakrishnan, 2015).

This is the first state to introduce a transgender welfare policy that provide access for free SRS in the Government hospital which applies only to the trans-feminine people, free housing program, various citizenship documents, admission in government colleges with full scholarship for higher studies, forming self-help groups, and initiating income-generation programmes. Tamil Nadu was the first state to form Transgender Welfare Board in 2008 with representatives from the transgender community and social welfare minister as the president of the Board. The measures taken like issuing

separate ration cards for them, the rights of trans-men and gender variants are discussed in the Welfare Board, effort to improve their education by issuing order in 2008 to create a third gender category for admissions to government colleges. The government also decided to conduct census for the community in order to issue identity cards for them. They are also provided with vocational training and self-employment grants for small business entrepreneurs. Every year, the state government allocates Rs 10 million for the board's programmes and activities. As a first step, the board conducted an enumeration of the transgender population in all the districts. Moreover, free Sex Reassignment Surgery (SRS) is being performed in selected government hospitals in collaboration with the board. On March 2008, a telephone helpline called 'Manasu' was set up by Tamil Nadu AIDS Initiative-Voluntary Health Services for the member of the transgender community. Sahodari Foundation in 2007 is a well-known organization set up in India for creative and alternative advocacy method. Srishti Madurai launched India's first helpline for Genderqueer in 2011. An important initiation took place on 2015, when Tiruchi Siva of DMK moved the Bill which was supported by the political parties in Rajya Sabha so that they get the benefit of belonging to the reserved communities like SC/ST, enrolment in schools and jobs in government (Chakrapani 2012).

There are some of the distinguished transgender people in Tamil Nadu, they are- A. Revathi, who got driving license as women in 1997 and wrote books like "Feelings of the Entire Body" and "The truth about me: A Hijra Life Story". Later "Naan Saravanan Alla" in 2007 and "I am Vidya" in 2008 became the first Trans woman autobiography. Some popular faces in media- STAR Vijay of a talk show hosted by a trans-woman named Rose, others like Karpaga performed

a lead role in the Tamil Movie 'Paal', A. Revathi also played a lead role in 'Thenavattu'. Some transgender people in politics like Kalki Subramaniam, a transgender rights activist, writer and an actor tried in vain to contest election in 2011 and again in 2014. She is first among the very few who took part at the national level elections from the transgender community. In 2016, C Devi is the first transgender person in Tamil Nadu to contest in the Assembly elections. There were protest raised by the transgender activist Swapna and a gender activist Gopi Shankar demanding reservation and to permit alternate genders to appear for examinations like- Banks, UPSC, SSC and TNPSC. Swapna is the first Trans person to clear TNPSC Group IV exams and Prithika Yashini from Tamil Nadu became the first transgender in India to be appointed as a sub-inspector of police (Chakrapani, 2012).

Thus, Tamil Nadu has made great strides in trying to integrate transgender people into the society. These examples should be the inspiration for the transgender community as a whole. It shows that talent or capability is something that every individual possesses so opportunity should be made open to everyone on merit basis. Yet the Board goes through some inadequacies in its selection process by nomination which has created misunderstanding among the transgender community leaders who are not part of the board. Questions have been raised in public forum regarding the lack of regional representation of transgender members in the board. There lie disagreements over who should be the beneficiaries of the TGWB and who should be regarded as Aravanis. The major challenge the transgender community faced that they were hardly involved in the decision-making process. They received pre-decided agenda and very little time was allotted for raising issues in the board meeting. TGWB did not have adequate funds for schemes like short-stay home and small

grants for education. Board provided identity cards only to MTF who were considered as Aravanis but the card did not mention about gender identity as transgender. Moreover, such ID card was not accepted as valid card for their identity and address. Whereas there are some who with the help of the card was able to open bank account and get passports. Thus, the TGWB needs to communicate well relevant government departments regarding the validity of the ID card issued by them (Chakrapani, 2012).

### **Maharashtra**

Maharashtra government was the second state to announce the formation of the Welfare Board on 2014 to run welfare schemes and explore jobs for the community. The transgenders will have to register themselves with the board in order to get the benefits from it. The decision of the state government comes after a consultation with UNDP in 2013 has partnered with the Department of Women and Child Development, brought thousands of transgenders to interface directly with the Chief Minister and other government representatives to discuss the specific welfare needs and provided inputs on policy towards setting up the transgender welfare boards. The draft made by Prithviraj Chavan for the “third women’s policy” includes that no person should be forced to live the life of a transsexual. Some of the initiatives taken up by the government- First state to set up a cultural institute dedicated to the transgender community. The Welfare Board will provide avenues for formal education, expand employment and self-employed opportunities, run health programmes and provide free legal help to them. The State has also added the category of third gender for admission to the academic year 2017-18 and first time for the state where the transgender students can apply for engineering and pharmacy courses in the next academic year (Menon 2014).

The major loophole in the policy is that they ignoring the fact that a person could choose to be a transsexual. They consider it to be a disease which needs to be cured. However, it is extremely necessary that unless their identity is respected and they are accepted in society without any conditions, the battle is only half won. The financial help for the community provided by the State government within its policy would only count when acceptance from society is there.

### **West Bengal**

West Bengal comprises of more than 30,000 transgender people for which the Transgender Development Board have been constituted in 2015. ("West Bengal Government announces the constitution of Transgender Development Board for over 30,000 plus-strong communities in the state.") The Mamata Banerjee government passed the decision to constitute a board that will address the problems of the transgender people in the state. The community that has been marginalised for centuries now the rise of Mamata Banerjee in West Bengal has come as a lucky break. Mamata Banerjee tweeted in favour of The Transgender Persons Bill, 2014 passed in Rajya Sabha for setting up of commissions at state and central level. Pioneered the concept from Transgender Welfare Board in Tamil Nadu, Chief Minister of Bengal said "Bengal has already set up a Transgender Development Board" (The Hindu, 2015).

The Minister-in-Charge for Women and Child Development, Shashi Panja addressed a press conference at Nabanna and announced the State Cabinet has passed the Constitution of Transgender Development Board on the initiative of the West Bengal Chief Minister, Mamata Banerjee who is personally concerned with the community. Panja said "Quite often we have seen that they (transgenders) have been

deprived of education, employment opportunities, begging on the streets and going through gross neglect. To attend their problems, we have constituted the board. This will be the first board in the country which is formed for development and not for welfare, which are formed for charity.” The Board have 13 members, headed by a chairperson. The Board represents various transgender communities in the state and coordinate with the State’s Coordination Committee, headed by Shashi Panja. This Board works as a wing of the women and child development and social welfare department and was formed in July 2015 which took a year-and-a-half to allot office space and staff by the state. The Supreme Court has ordered each state to set up their independent board for the cause of transgender people, Tamil Nadu and Maharashtra set up their ‘welfare boards’ while Bengal formed the first ‘development board’ for the community. It was announced by Shashi Panja that once the board starts functioning people belonging to transgender community will be given identification cards and will be entitled to government schemes like Indira Awas Yojna, government grants, ration cards, health services and other facilities. Ranjita Sinha, who is a transgender, leads the Association of Transgender/ Hijra in Bengal (ATHB) told PTI that “We want identity and recognition as the third sex. Setting up a board for us is extremely important. We want entitlements to all our basic human rights,” the activist said (The Indian Express, 2015).

On 13 January, 2017 the office was handed over to the prominent members of the board. Shashi Panja as the Chairperson of the Board, Manabi Bandopadhyay, first transgender principal as the vice-chairman, the board will have two members from Panja’s department including a joint secretary and members from the transgender community and NGOs working with them. Social activist Leena Gangopadhyay,

who is the chairperson of Women Development Undertaking, has also been included in the Board. In the first meeting of the Board at Nabanna it was decided that the Government hospitals in Kolkata will soon have Sex Reassignment Surgery (SRS) units and such initiatives will minimize financial and various other difficulties that a transgender individual face while under-going sex-change surgeries at private hospitals. The Board also decided that a mass awareness drive would be carried out so that members of the community could live with dignity. The Board even decided to launch a 24\*7 helpline for transgenders and other sexual minority communities. They can lodge their complaints without any fear or delay through this helpline. The State Government is also planning to have 'toilets' for the transgenders since they always face the harassment while using ladies' toilets. Shashi Panja said "I would take up the matter of setting up toilets for transgenders on a priority basis." (The Indian Express, 2015).

There have been many positive comments, support and recommendations with the constitution of the Board, some like- Union social and empowerment minister Thawaar Chand Gehlot was happy with the formation of the board and said "In the next session of the Parliament, we'll try to pass the Bill. If that happens, we might introduce scholarships for them"; author, actor and transgender rights activist Kalki Subramaniam says that the board should not be inclusive to transgender women but to transgender men and intersex people; Laxmi Narayan Tripathy, chairperson of the Maharashtra Tritya Panti Protection of Rights and Welfare Board, has welcomed the move in Bengal and suggested that "West Bengal's Board should not remain as just an apex body. It must be empowered enough to execute the policies." Priya Babu, a former member of the Tamil Nadu Transgender Welfare Board, says, "A national-level Transgender Welfare

Board with regional representation is required.” Tamil Nadu Transgender Rights Association’s president Jiva says “Being a former member, I recommend that the West Bengal Board give monthly pension of Rs 1000 to every transgender above 40 years. We have implemented this here. Issuing ID cards will also help (Dasgupta, 2016).

Thus, it can be said that West Bengal has experienced achievements to some extent with regard to transgender rights, recognition and empowerment in the society-

1. **Manabi Bandopadhyay** completed her MA in Bengali and then became the first transgendered person from West Bengal to complete a PhD and the first transgender professor in Vivekananda Centenary College in Jhargram and first transgender principal in Krishnagar Women’s College. She had a sex change operation in 2003 which finally allowed her to embrace her femininity. She published India’s first transgender magazine “*Ob-Manab*” (sub-human) (Hindustan Times, 2015).
2. **Shree Muhuri** became the first transgender person from Kolkata and Bengal who got legally wedded after she received all her necessary documents regarding her sex-change surgery (India Today, 2017).
3. West Bengal government also tried to change the scene for the transgender people and sex-workers children with the state-owned Hidco, along with an NGO who appointed 15 transgender persons and sex workers’ kids to *work as guides* at Eco Park in Rajarhat (The Times of India, 2015).
4. Bengal government for the first time provided the opportunity for the state’s transgender people to be enlisted as voters in the forthcoming assembly elections since being recognised as the ‘third gender’ by the Supreme Court. Earlier

they could cast their votes as males or females. But in 2016 they can vote as transgenders. *Aparna Banerjee* a transgender and member of the state's transgender development board said "My three daughters, too, will vote as a transgender. It would, indeed, be a moment to cherish for us." Though, there are more than 30,000 transgender people and only 500 of them have been included in the voters' lists. According to Ranjita Sinha Bengal government has been proactive with regard to having more transgender people enrolled in the voters list (Bhattacharyya, 2016).

5. In West Bengal hospital like- R.G. Kar Medical College and Hospital in Kolkata has taken the initiative for the transgender community by creating *separate space cabins and special teams* comprising counsellors, psychiatrists, nurses and other health personnel, at the premise. The hospital also plans to have a facility for SRS (IANS, 2015).

6. Furthermore, Varsities like *Presidency University and Jadavpur University introduced separate criteria in admission forms* for inclusion of the third gender (IANS, 2015).

## **Conclusion**

The above discussions could be concluded by saying that the transgender community in India, are the sexual minority group, have always been marginalised and neglected since centuries. Despite initiatives taken by the policy makers both at the Centre and State government level and at the level of the mainstream society, most of the people seem to be reluctant to recognise this community because they are obsessed with the idea of gender dichotomy and are unmindful of the existence of the "third gender." In the absence of public support, the third gender community faces a host of socio-economic problems. They are often subject to sexual exploitation and sexual harassment because of

their vulnerable position in the society. Consequently, they are highly susceptible to HIV/AIDS and other sexually transmitted diseases. However, it is only in recent times that transgenders have started airing their problems publicly with the support of civil society organisations. Their primary need is for recognition from their families as well as the communities in which they live and the government's confirmation of their identity as female or "third gender" category. Besides, they also expect the government to set up suitable income generating schemes.

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