



தமிழ்மணம் சர்வதேசத் தமிழ் ஆய்விதழ்

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Transgender Legal Rights Vs. Socio-Economic Realities in Tamil Nadu

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ABSTRACT:

The Research Paper “Transgender Legal Rights Vs. Socio-economic realities in Tamil Nadu” helps to understand the progressive legal framework and the persistent socio-economic challenges faced by transgender individuals in Tamil Nadu. Despite the progressive legal frameworks, such as the Transgender Persons (Protection of Rights) Act 2019, the Transgender Welfare Board and Healthcare, etc., transgender persons continue to face unemployment, family rejection, discrimination, homelessness and societal stigma. This study explores the disparity between the challenges experienced by transgender individuals and the implementation of legal policies. It highlights the socio-economic barriers and the role of judiciary directives and grassroots activism in Tamil Nadu. It further argues for the strengthened implementation of legal rights, social policies and the role of society to support and effectively implement the legal recognition and for the socio-economic upliftment of transgender population in Tamil Nadu.

Keywords: Transgender, barriers, Act, Legal Rights, Challenges, Upliftment.

INTRODUCTION

The word ‘Transgender’ refers to a person whose gender identity differs from the sex they were assigned at birth, their internal sense of being male, female, both or neither. It is an umbrella term used to refer to trans men, trans women and gender-diverse individuals. Transgender individuals face severe socio-economic problems like discrimination, family rejection, homelessness, social exclusion, harassment, employment discrimination, poor health and financial conditions. They were often led to the situation of being forced into work like begging or sex work for survival, often leading to creating cycles of poverty, poor health, like HIV, mental distress, etc. Transgenders were often humiliated with the offensive word

‘aravani’. In 2006, the then Chief Minister, Mr M. Karunanidhi replaced the former title ‘aravani’ with the more dignified word ‘Thirunangai’. Tamil Nadu has been a pioneer in India for transgender rights, welfare board and Healthcare. Tamil Nadu established the country’s first Welfare Board for transgender persons in 2008.

TAMIL NADU – A PIONEERING ROLE FOR TRANSGENDERS

Tamil Nadu acts as a pioneer for the welfare of the transgender community. Tamil Nadu was the first to establish welfare board providing extensive welfare schemes like free healthcare, housing, identity cards, education support, livelihood assistance, promoting self-identification aiming for socio-economic empowerment and inclusion. The transgenders face family rejection, discrimination, harassments and marginalization from the society. They were often forced to move out of the school on transformation. Tamil Nadu was the first to bring welfare of the transgender community. The state also focuses on legal frameworks like amending inheritance laws, mandating to include transgender rights in the curriculum of educational institutions.

TRANSGENDER WELFARE BOARD

Tamil Nadu was the first to introduce the transgender welfare policy. Transgender Welfare board works under the Social Welfare and Women Empowerment Department of Government of Tamil Nadu. The Government of Tamil Nadu has constituted a Transgender welfare on April 15, 2008 to redress their grievances by providing livelihood opportunities, educational assistance and social security through which the transgenders are given an identity in the society. The board, initially called the ‘Aravanigal Welfare Board’ and later renamed as ‘Transgender Welfare Board’ to provide welfare, dignity and empowerment. The offensive term ‘Aravani’ is replaced with the more dignified word ‘Thirunangai’ for transgender women and ‘Thirunambi’ for transgender men in Tamil Nadu. The board follows a government order to accept transgenders as “third gender” for college entrance and meant to promote respect and empowerment. The Tamil Nadu Third Gender Welfare consists of 11 official members and 12 third genders as Non-Official members.

The transgender welfare policies help transgender to access sex reassignment surgery in government hospitals free of cost. Transgenders face many social discriminations and familial rejections. They leave home unprepared with no documents in hand. It makes it difficult for them to get a job or a home without proper documentations. Transgender welfare board helps the transwomen or transmen to get their membership ID card with Aadhar card alone. Transgender welfare board helps transgenders to get free housing, various citizenship documents, admission in government colleges, higher studies with full scholarship and initiated income generation programmes. Transgenders who want to earn their livelihood with more decent and respectful way are provided with financial assistance to start their own business. Government provides funds for the transgenders who wish to start small businesses like grocery shop,

boutiques, rice and vegetable vending. Financial assistance is also given for buying auto for business activities. The Government provides monthly pension to help transgender individuals who are above the age of 40 years. The pension scheme for destitute transgenders who are above 40 years has been paid Rs.1000 as monthly pension.

Government has also taken initiatives to provide employment opportunities for transgenders in various government departments. Transgenders have been appointed as Sub Inspector, Constables, Physiotherapist, Lab Assistant in Health department, Nutritious Meal organiser, Cook, Office assistant and Security guard in Government colleges.

TAMIL NADU STATE POLICY FOR TRANSGENDER PERSONS 2025

Tamil Nadu's state policy for Transgenders Persons 2025 is a comprehensive framework focusing on gender self-identification, Legal and inheritance rights, extended healthcare access and education, non-discriminatory employment opportunity and community housing. The policy states that the government would take steps to amend the Hindu Succession Act, Indian Succession Act for inheritance aimed to ensure the right of inheritance to transgender and intersex persons. The key provision of the policy is that the transgender and intersex individuals can self-identify their gender without medical certification. This removes the obstacles created by the Transgender Persons (Protection of Rights) Act 2019, which had made gender identity has to be approved by the district magistrate.

Every year, April 15 is observed as Transgender Welfare Day in Tamil Nadu. The policy mentions that the state will take necessary steps to represent them in educational institutions and in government employment. Transgenders are provided reservation under MBC. The drawback in this policy is that they were not given separate reservation.

GRASSROOT ACTIVISM FOR TRANSGENDERS

The most prominent grassroots transgender activism groups in Tamil Nadu is Trans Rights Now Collective (TRNC). It was founded by Grace Banu, a transgender activist in Tamil Nadu. She is a leading voice in advocating for transgender rights across caste and economic divides. The collective actively campaigns for the reservation in education, public employment for transgender persons. It argues for giving transgenders a separate reservation category. The group also uses theatre and cultural productions to raise awareness about discrimination faced in schools and society by transgenders. TRNC also engages in peaceful protests and public demonstrations at Kalaignar Karunanidhi Memorial in Chennai to emphasis for state policy changes and recognition of rights.

Rainbow voice Community Centre is located in Chennai, also one of the grassroots organization supporting transgenders and LGBTQ+ people for their welfare. It was established in 2015 and aims to

provide peer support group, mental health counselling, legal medical help and helps them to change their legal name or their gender.

Sahodari Foundation was established in 2008 is a Non-Governmental, grassroots level organization in Tamil Nadu. It works to uplift underprivileged transgender women through educational support, providing scholarships and livelihood opportunities by creating skill and entrepreneurial opportunities. It focuses on building sustainable economic independence and engaging communities in fighting social stigma. Like these grassroots level organizations there are many other grassroots level activists and groups who are voicing out for the welfare and development of the transgenders.

CHALLENGES FACED BY TRANSGENDERS DESPITE LEGAL FRAMEWORKS

In 2014, the Supreme Court recognized transgender persons as “third gender” and declared their entitlement to constitutional rights, including dignity, equality and affirmative action. Though Tamil Nadu acts as a pioneer in Transgender welfare, policies and schemes, they face severe societal stigma, familial rejection, poor health and discrimination. Despite legal achievements, transgender persons face severe socio-economic problems. Transgender persons often experience exclusion, bullying, dropouts from schools leading to poor education, unemployment which directly affects their financial conditions.

The societal and cultural stigma makes them face severe exclusion from family, community and public life. Studies show that approximately 90% of transgenders face economic issues, financial struggle, discrimination in hiring and workplace harassment remains a major barrier to formal employment. These situations force them to indulge in unsafe working environment like begging, sex work or informal labour work due to the lack of opportunities and unpleasant working environment. Though Tamil Nadu provides pension schemes for destitute transgenders, this benefits only handful of people and the rest still faces the struggles and discriminations.

The basic necessity like food, shelter and a life with dignity is at stake. Adding to that, transgenders face problems with electoral enrolment and documentation process which many transgenders face when they were disowned by their own family. Transgender welfare board tried to ease the process of documentation processes.

Law grants protection, inheritance, educational rights and other legal rights but their enforcement is uneven. Legal Rights remain active in theory but is ineffective in practical and does not make huge difference which still faces hurdles in implementing them in the society. Legal protections have not fully shifted cultural and societal perceptions.

CONCLUSION

On one hand, progressive legal frameworks and policies initiates and represent transgender to step forward towards dignity and equality. On the other hand, socio-economic exclusion, discrimination, struggles and systematic barriers continue to affect their livelihood by limiting education , employment opportunities, poor healthcare, housing and civic participation. Bridging this gap is not possible unless the changes in society happens. Only the legal transformation alone will not change the problems and issues, the society should transform. Transgenders and their struggles has to be included in education. By educating the child, the society will change and understand the transgenders hurdles and problems. The social transformation occurs through inclusive education, economic opportunities, implementation of protections and continuous effort to dismantle the societal stigma.

REFERENCES

- [1]. National Legal Service Authority (NALSA) v. Union of India, Supreme Court of India, Writ Petition (Civil) No. 400 of 2012, judgment dated 15 Apr. 2014.
- [2]. Government of India. The Transgender Persons (Protection of Rights) Act, 2019. Ministry of Law and Justice, 2019.
- [3]. Hindu Tamil. “Police Should Not Disturb Transgender People: Amendment Published in the Government Gazette.” Hindu Tamil, 2021. (<http://www.hindutamil.in/news/tamilnadu/768473-police-should-not-disturb-transgender-people-amendment-published-in-the-government-gazette.html>)
- [4]. Economic Times. “Special Schemes Being Implemented for Welfare of Transgender People: Tamil Nadu Government” *The Economic Times*, 27 May 2024, (<https://economictimes.indiatimes.com/news/india/special-schemes-being-implemented-for-welfare-of-transgender-people-tamil-nadu-govt/articleshow/121393037.cms>)
- [5]. Government of Tamil Nadu. *Tamil Nadu State Policy for Transgender Persons*. Social Welfare and Women Empowerment Department, Government of Tamil Nadu, 2025.
- [6]. Trans Rights Now Collective. “Trans Rights Now Collective.” Wikipedia, Wikimedia Foundation, (https://en.wikipedia.org/wiki/Trans_Rights_Now_Collective).
- [7]. Revathi A, “ The Truth about Me: A Hijra Life Story”, Penguin Books.
- [8]. Rainbow Voices Community Center. “Rainbow Voices Community Center.” Wikipedia, Wikimedia Foundation, (https://en.wikipedia.org/wiki/Rainbow_Voices_Community_Center)
- [9]. Sahodari Foundation. “Sahodari Foundation.” Wikipedia, Wikimedia Foundation, (https://en.wikipedia.org/wiki/Sahodari_Foundation)

*I declare that there is no competing interest in the content and authorship of this scholarly work