Tackling prejudice: the road ahead for transgender persons

There is a long road ahead before transgender persons are accepted into the mainstream

Nearly a month after Shanavi Ponnusamy, a transwoman from Tamil Nadu, wrote to the President alleging that Air India had denied her a cabin crew job despite her clearing the written exam, the Ministry of Social Justice sent a Bill on transgender rights to the Cabinet, with amendments as suggested by a Standing Committee. These include bringing public establishments under Chapter V of the Bill, which prohibits discrimination in “any matter relating to employment, including, but not limited to, recruitment, promotion and other related issues.”

Ms. Ponnusamy’s is not an isolated case. For every headline celebrating a transgender person’s recruitment in a mainstream profession, there is a contentious history. Take the case of K. Prithika Yashini, the first transwoman Sub-Inspector of Police in India. It took an order from the Madras High Court for the Tamil Nadu Uniformed Services Recruitment Board to appoint her.

The Transgender Persons (Protection of Rights) Bill, 2016, is a result of the 2014 Supreme Court judgment recognising transgenders as the third gender and safeguarding their rights under Article 21 of the Constitution. Apart from welfare schemes for the community, the Bill also lists obligations of establishments as well as recognisable offences against the community. Harassment of a transgender employee is an offence that carries with it a punishment of not less than six months imprisonment. This clause reminds us of the case of Manabi Bandopadhyay, a transgender who was appointed as India’s first college principal in 2015. However, she resigned from the post in 2016 citing “immense mental pressure” due to continued agitations against her by faculty and students. Nevertheless, her resignation wasn’t accepted and she remains the principal.

There is a long road ahead before members of the transgender community are accepted into the mainstream. An enabling environment needs to be created, be it in education institutes or workplaces. This can only be achieved by sensitising the workforce in protecting the rights and dignity of the community. While laws to safeguard these rights are the first step, more important is to ensure their implementation. The Bill recommends the formation of a National Council for Transgender Persons that is tasked with monitoring and evaluating policies formulated for transgender persons. This may pave the way for fulfilling the community’s long-standing demand for representation in the Rajya Sabha.

The integration of transgenders in the workforce is still a challenge. While they are recruited by State agencies, police departments, and home guards, many have dropped out, especially those undergoing gender transition. Eunuchs say they make more money through traditional practices like mangti, so why would they tie themselves down to a desk job? Leading voices from the community have called for vocational programmes in creative fields, a recommendation made by the Standing Committee too.

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