

“Navigating Marginalization: Exacerbated Struggles of the Transgender Community amidst the COVID-19 Pandemic in Jammu and Kashmir union territory”.

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ABSTRACT

The COVID-19 pandemic has intensified disparities within communities worldwide, with transgender individuals facing heightened marginalization and vulnerability. This study explores the intersectionality of challenges experienced by transgender individuals during the pandemic, focusing on the Union Territory of Jammu and Kashmir, India. Despite legislative safeguards outlined in the Transgender Persons (Protection of Rights) Bill, 2019, transgender individuals continue to grapple with systemic obstacles, aggravated by the crisis. Through narrative analysis and case studies, this research sheds light on the experiences of transgender individuals, highlighting issues such as discrimination within healthcare systems, economic instability, and social isolation. The study emphasizes the urgent need for inclusive policies, support systems, and gender sensitization training within medical institutions to address the unique struggles faced by transgender individuals during times of crisis. Findings underscore the importance of comprehensive support organizations, societal awareness, and advocacy efforts to foster inclusivity and address systemic oppression, ensuring equality and justice for the transgender community.

Keywords: Transgender, Pandemic, Marginalization, Intersectionality, Healthcare access.

INTRODUCTION

The COVID-19 pandemic has exposed and aggravated existing disparities within various communities, and transgender individuals are no exception. The global crisis has

underscored the vulnerabilities within various demographic groups, with marginalized communities often shouldering a disproportionate burden. For transgender individuals, who already contend with systemic obstacles, the pandemic has magnified and added unique difficulties to their experiences.

Transgender is defined as one whose gender does not match the gender assigned at birth. It includes trans-men and trans-women, persons with intersex variations, gender queers, and persons with socio-cultural identities such as kinner, hijra, aravani and jogta. Intersex variations mean a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes, or hormones from the normative standard of a male or female body [The Transgender Persons (Protection of Rights) Bill, 2019]. As these people do not fit under the binary dichotomy of male and female, they never find a place in society. They are never respected or treated as normal in society (Gagne, Tewksbury and McGaughey, 1997). In every sphere of life, they are not accepted due to a mismatch between their gender identity and assigned sex. They have been called different names like – chakka, kinnar, hijra and many other derogatory terms. They have been treated as a stigma (Sharma, 2009).

Inconsistencies in gender expression and biological sex are frequently not tolerated in society. When they violate established expectations, people who depart from traditional gender standards may encounter unfair treatment and prejudice. As a result, these people belong to a vulnerable and marginalized group that experiences prejudice in many forms (Lombardi, 2001). When compared to other social groupings, these people have more psychological and health issues as a result of their social marginalization.

In India, transgender individuals have historically faced social stigma, familial rejection, and gender-based discrimination or violence. In ordinary times, they often resorted to begging, sex work, and badhai activities as means of earning a basic income for survival. However, the COVID-19 lockdown has stripped away their traditional sources of livelihood, leaving them grappling with hunger, anxiety, and augmented health vulnerabilities.

The hardships faced by migrant workers and cases of domestic abuse against women and children during the epidemic are widely covered by the media and civic society, but the

difficulties faced by transgender people are noticeably absent. The purpose of this study is to shed light on the experiences of transgender individuals during the COVID-19 pandemic. Specifically, their narratives of survival, the exclusion from government support, difficulties accessing necessities, and the mental distress they endure during this challenging period.

The pandemic has presented transgender people with additional challenges, including those pertaining to access to healthcare, financial security, and social support. The disparities in access to healthcare that already exist have come to light because transgender persons may face discrimination within the medical community. The economic effects of the epidemic have exacerbated issues such as job insecurity, unemployment, and financial hardship, which have disproportionately afflicted this group.

Furthermore, the pandemic has underscored the importance of social support networks, which may be strained or disrupted for transgender individuals. Isolation and lack of understanding from family and community members deepen mental health struggles, including anxiety and depression, already prevalent within this demographic.

RATIONALE FOR THE RESEARCH

This research is prompted by the imperative to comprehensively understand and address the heightened challenges faced by the transgender community in the wake of the COVID-19 pandemic. As the global crisis has laid bare existing disparities within various societal groups, transgender individuals, already contending with systemic obstacles due to their non-conformity with traditional gender norms, are grappling with marginalization. The study uniquely delves into the intersectionality of their struggles, examining socio-cultural dynamics, economic hardships, and educational setbacks compounded by the pandemic. A focal point of investigation is the impact on healthcare accessibility, economic stability, and social support networks for transgender individuals during the crisis. The study recognizes the challenges associated with addressing prejudice in healthcare systems, the economic vulnerabilities resulting from the pandemic, and the crucial function of social support networks in preserving mental well-being. By shedding light on the exclusion of transgender individuals from government

support and exploring narratives of survival, the study aims to provide nuanced insights. The overarching goal is to contribute valuable information that can inform policy changes, community interventions, and advocacy efforts aimed at fostering inclusivity and addressing the multifaceted struggles faced by the transgender community during this challenging period.

CONTEXT OF THE RESEARCH

Transgender people have historically experienced social stigma, poor access to healthcare, and prejudice. The pandemic has magnified these pre-existing challenges, creating an urgent need for a comprehensive investigation. The Transgender Persons (Protection of Rights) Bill, 2019, serves as a legislative framework designed to safeguard the rights and dignity of transgender individuals in India. However, the context of the research in the Union Territory (UT) of Jammu and Kashmir reveals a stark contrast between the legal provisions outlined in the bill and the ground reality faced by the transgender community, particularly magnified by the challenges brought forth by the COVID-19 crisis. It becomes imperative to first explore the provisions of the bill intended to safeguard their interests and integrate them into mainstream society.

The Transgender Persons (Protection of Rights) Bill, 2019

The Transgender Persons (Protection of Rights) Bill, 2019 was introduced in Lok Sabha on July 19, 2019 and was passed on 5th August 2019.

Definition of a transgender person: The Bill defines a transgender person as one whose gender does not match the gender assigned at birth. It includes trans-men and trans-women, persons with intersex variations, gender queers, and persons with sociocultural identities, such as kinnar and hijra. Intersex variation is defined to mean a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes, or hormones from the normative standard of the male or female body.

Prohibition against discrimination: The Bill prohibits discrimination against a transgender person, including denial of service or unfair treatment about (i) education; (ii) employment; (iii) healthcare; (iv) access to, or enjoyment of goods, facilities, opportunities available to the public; (v) right to movement; (vi) right to reside, rent, or otherwise occupy the property; (vii) opportunity to hold public or private office; and

(viii) access to a government or private establishment in whose care or custody a transgender person is.

Right of residence: Every transgender person shall have a right to reside and be included in his household. If the immediate family is unable to care for the transgender person, the person may be placed in a rehabilitation center, on the orders of a competent court.

Employment: No government or private entity can discriminate against a transgender person in employment matters, including recruitment, and promotion. Every establishment is required to designate a person to be a complaint officer to deal with complaints about the Act.

Education: Educational institutions funded or recognized by the relevant government shall provide inclusive education, sports and recreational facilities for transgender persons without discrimination.

Health care: The government must take steps to provide health facilities to transgender persons including separate HIV surveillance centres, and sex reassignment surgeries. The government shall review the medical curriculum to address the health issues of transgender persons and provide comprehensive the medical insurance schemes for them.

Certificate of identity for a transgender person: A transgender person may make an application to the District Magistrate for a certificate of identity, indicating the gender as “transgender”. A revised certificate may be obtained only if the individual undergoes surgery to change their gender either as a male or a female.

Welfare measures by the government: The Bill states that the relevant government will take measures to ensure the full inclusion and participation of transgender persons in society. It must also take steps for their rescue and rehabilitation, vocational training and self-employment, create schemes that are transgender sensitive, and promote their participation in cultural activities.

Offences and penalties: The Bill recognizes the following offences against transgender persons: (i) forced or bonded labour (excluding compulsory government service for public purposes), (ii) denial of use of public places, (iii) removal from household, and village, (iv) physical, sexual, verbal, emotional or economic abuse. Penalties for these offences vary between six months and two years, and a fine.

National Council for Transgender Persons (NCT): The NCT will consist of (i) Union Minister for Social Justice (Chairperson); (ii) Minister of State for Social Justice (Vice-Chairperson); (iii) Secretary of the Ministry of Social Justice; (iv) one representative from ministries including Health, Home Affairs, and Human Resources Development. Other members include representatives of the NITI Aayog and the National Human Rights Commission. State governments will also be represented. The Council will also consist of five members from the transgender community and five experts from non-governmental organizations.

The Council will advise the central government as well as monitor the impact of policies, legislation and projects concerning transgender persons. It will also redress the grievances of transgender persons.

Despite legislative strides such as the enactment of the Transgender Persons Act and the establishment of Transgender Welfare Boards, the transgender community in Jammu and Kashmir continues to grapple with entrenched challenges and systemic inequalities. While these legal frameworks aim to protect the rights and dignity of transgender individuals, their practical implementation falls short, revealing a disconnect between policy intent and societal reality. Critically, the composition of Transgender Welfare Boards, often lacking adequate representation from the transgender community itself, reflects broader issues of marginalization and exclusion within governance structures. This inadequacy undermines the boards' effectiveness in addressing the diverse needs and experiences of transgender individuals across various social, economic, and cultural contexts.

In addition, transgender people are more vulnerable because of the ongoing prevalence of xenophobia and societal stigma, which makes it difficult for them to get jobs, healthcare, and other necessities. The COVID-19 pandemic has brought attention to these differences even more, eroding already-existing inequality and emphasizing the intersectionality of marginalization that transgender populations, especially in areas like Jammu and Kashmir, experience. This socio-economic lens reveals how historical neglect and societal norms rooted in binary gender constructs perpetuate systemic barriers that

impede the full inclusion and recognition of transgender individuals within mainstream society.

In response to these challenges, there is an urgent need for coordinated efforts from both governmental and non-governmental entities to address structural inequalities, promote social awareness, and foster inclusive policies that prioritize the rights and well-being of transgender individuals. In addition to reviewing current legislative frameworks to guarantee complete protection, there is the need for actively combating cultural norms and viewpoints that support marginalization and discrimination. By centering the voices and experiences of transgender communities and fostering collaboration across various sectors, including healthcare, education, and employment, society can move towards a more equitable and inclusive future for all individuals, regardless of gender identity or expression.

Approximately one to four per cent of the global population falls under the category of intersex, individuals who do not fit strictly into conventional male or female classifications. Despite this, they were officially denotified in 1952, perpetuating a century-old stigma that persists to this day. This enduring stigma effectively dehumanizes transgender individuals, stripping them of their fundamental human rights. In society, they face significant mental, physical, and sexual oppression (Narrian,2003). The transgender community experiences historical neglect of their vulnerabilities, frustrations, and insecurities by mainstream society. In India, societal norms often confine acceptance strictly to the male-female gender binary. Those who exist outside this norm encounter harassment and abuse. Transgender individuals assert that mainstream society lacks an understanding of their culture, gender identity, and sexuality. Unfortunately, the social deprivation and mistreatment they endure have not garnered the attention of development sectors (Khan et al, 2009). Drawing a parallel with the COVID-19 pandemic, it can be observed that just as the virus brought to light existing societal disparities and vulnerabilities, the prevailing discriminatory system against transgender individuals highlights the persistent challenges they face in gaining acceptance and understanding from mainstream society.

According to Bund's (2013) research, transgender women in Srinagar, Kashmir, endure discrimination in all aspects of their lives, which undermines their confidence to engage with society at large. They lack the self-assurance to participate in political and social decisions. In Kashmir, transgender persons are stigmatized and subjected to prejudice because of the term "laanch." They experience prejudice in many facets of life, including work, legal status, and access to social services like good housing and education. The non-conformity, to their prescribed gender roles makes them vulnerable and often leads to verbal and physical abuse within and outside the family. As the pandemic spread, transgender people had disproportionate effects and more challenges getting access to vital social resources, career opportunities, and legal recognition. The pandemic not only magnified pre-existing challenges but also underscored the urgent need for inclusive policies and support systems to address the unique struggles faced by transgender women in the region.

According to Babbar's (2016) study highlighted the situation of transgender people in India, pointing out that despite the courts having recognized the absurdity of their existence and being sympathetic to the point of even granting them recognition, they have not been able to live in dignity. Their social marginalization deprives trans people of their human dignity and marks their lives with exclusionary dynamics that start when they are kicked out of their homes or decide to leave them. The fact that their identity is not acknowledged and accepted makes them more susceptible to sexual assault, abuse, and harassment. It was widely believed that people who identify as having alternate sexual orientations are trapped in a painful cycle where, on the one hand, the various forms of violence—including emotional, mental, and even physical.

According to Veeramani's (2018) findings highlighted the perception of transgender individuals, particularly in hijra culture, where they were viewed as possessing unique magical abilities associated with their identity as the third gender. Despite this cultural significance, the reality for transgender people extends beyond these beliefs, revealing a stark struggle for livelihood due to pervasive societal stigma. This discrimination manifests in various aspects of their lives, hindering access to fundamental necessities such as housing, education, and employment. The adverse impact of the COVID-19 crisis

further accentuates the vulnerability of transgender individuals. The implementation of lockdown measures and the absence of job security have worsened their already precarious situation, pushing them to the brink of marginalization. The pandemic has amplified existing challenges, making it evident that the transgender community faces difficulties during times of crisis.

Kotwal (2021) delves into the police apathy and reported violence experienced by the transgender community, further worsening their already marginalized status in society. The author highlights the considerable hurdles faced by this community, which have largely escaped media attention. Kotwal emphasizes the urgent necessity for education and broader societal support to instigate transformative changes in the lives of transgender individuals. Because they don't comply to established norms and are often the target of abuse and social exclusion, this group needs more support and advocacy for their rights and well-being.

FIELDWORK AND METHODOLOGY

This study will be conducted in the Jammu district of UT of Jammu and Kashmir, India, focusing on transgender individuals. The sample for this research will be collected from both rural and urban areas of Jammu district, utilizing purposive and snowball techniques. Due to the sensitive nature of the topic and the qualitative approach adopted in this research, it is essential to acknowledge the relatively small sample size. This decision was made deliberately to prioritize depth and richness of data over breadth, allowing for a more nuanced exploration of the experiences and perspectives of transgender individuals amidst the COVID-19 pandemic. While a larger sample size could provide broader insights, the focus here is on capturing the intricacies and complexities of the lived experiences of participants. The data will be gathered to explore the lived experiences of transgender individuals, this research aims to uncover the unique challenges faced by transgender individuals during the crisis and offer meaningful insights that can inform policy and advocacy efforts. Additionally, the qualitative approach enables a deeper understanding of the intersecting factors contributing to the vulnerabilities and resilience of the transgender community, contributing to a more

comprehensive understanding of their needs and experiences during this challenging period.

In line with the work of Riessman (1993) and Berger (1997), this research paper will employ narrative analysis as a method. This approach prioritizes understanding the unique stories and perspectives of transgender respondents, providing a holistic insight into their experiences. By avoiding assumptions of objectivity, narrative analysis enables a more nuanced interpretation of exclusion and helps uncover the intricate narratives individuals share about their lives and societal perceptions.

The chosen method allows for an exploration of both specific and more generalized dimensions of how transgender individuals navigate their lives amidst societal constraints. To protect the identity of respondents, pseudonyms will be used instead of their actual names. This research aims to contribute to a deeper understanding of the challenges and triumphs faced by transgender individuals in the Jammu district.

FEW CASE STUDIES OF THE RESPONDENTS

According to respondent Ashwariya:

From a young age, I recognized my true self, finding solace and joy in expressing my femininity. However, the pandemic brought forth additional layers of adversity. With family circumstances already forcing me to abandon formal education, I resorted to working as a salesman, concealing my true identity due to societal norms and expectations.

As the pandemic unfolded, economic hardships escalated, impacting my livelihood and further limiting my access to resources. I, already facing psychological and emotional abuse from my family and community, found myself in a more vulnerable position. Lockdowns and restrictions exacerbated my isolation within the home, with limited opportunities for escape or support.

The stress and uncertainty during the pandemic catalyzed a pivotal moment. Struggling with the compounded challenges, I faced increased discrimination and rejection within my household, mirroring the external global crisis in my personal life. Amid these

struggles, I decided to seek liberation from my oppressive environment, echoing the global sentiment of resilience in the face of adversity. I reached out to “The Queers from Jammu,” an organization supporting LGBTQ+ individuals, for assistance. The challenges of the pandemic, coupled with my existing struggles, prompted the organization to intensify its efforts in providing support and resources.

With the organization’s help, I not only found emotional and psychological support but also secured a job that embraced my authenticity. The parallels between my transformation and the global pursuit of resilience during the pandemic underscore the importance of support organizations in times of crisis.

This case study emphasizes the significance of inclusive communities, especially during times of crisis like the COVID-19 pandemic. It highlights the need for comprehensive support systems that address the unique challenges faced by transgender individuals, acknowledging that societal acceptance and support are essential for overcoming adversity, whether personal or global.

According to respondent Tanya:

During my visit to the hospital with symptoms of COVID-19, I experienced a distressing situation. As I entered, the staff engaged in hushed conversations, exchanging glances and laughing as if I were an alien or a character from a cartoon. The feeling of being ridiculed exaggerated as I waited for attention, only to be ignored.

After a considerable wait, feeling desperate and unseen, I resorted to making a loud commotion, clapping and drawing attention to myself. I even went live on Instagram to shed light on the situation. It was only after this dramatic display that the hospital authorities finally took immediate action to conduct a checkup.

“Phir bolte hain ki hum tali bjate hain.... Hume tali bjaye bina suntan kon hai”

This ordeal left me feeling helpless and without any alternative for my well-being. It highlighted a concerning lack of empathy from the medical professionals who should be focused on providing care and support. I believe that healthcare professionals need gender sensitization training to better understand and address the unique needs and challenges faced by individuals, particularly during a pandemic like COVID-19. This

training would contribute to a more compassionate and inclusive healthcare environment, ensuring that everyone receives the care and respect they deserve.

According to respondent Sunaina:

Despite coming from a privileged background, the decision to openly embrace my true self and advocate for the LGBTQIA+ community has subjected me to numerous challenges, paralleling the incidents of violence faced by many transgender individuals.

While pursuing my law degree, the pandemic has added an extra layer of complexity to the discrimination and violence I have endured due to my gender identity. The shift to online learning, necessitated by the global health crisis, has altered the dynamics of my educational environment. Confronted with gender dysphoria, I came out and fought for change within the legal field, but the virtual setting has presented new challenges.

The negativity I encountered in my academic journey persisted in the online realm, as I faced bullying and discrimination from peers and classmates solely because of my gender identity. Despite my academic prowess, the mistreatment I endured hindered my personal growth and undermined the principles of equality, mirroring the broader societal struggles faced by marginalized communities during the pandemic.

Seeking solace in psychological counselling therapy sessions became even more crucial during these challenging times. Because switching to an online learning environment increased isolation and increased the costs of violence and bigotry, a higher level of resilience was required. The pandemic, with its restrictions and uncertainties, mirrored the barriers faced by transgender individuals seeking equal opportunities in various aspects of life.

“People doesn’t treat you the way you want..... Way of conversation changed.... I feel so bad for one thing in Jammu city there is no doctor for trans community.... Everyone is going out of city like Delhi and on...That’s what I feel since from when COVID-19 in 2021 month august”

This case study underlines the unfortunate harsh reality and the situation faced by transgender individuals during the COVID-19 pandemic, emphasizing the urgent need for society to address systemic oppression and ensure that the principles of equality and justice are upheld even in times of crisis.

According to respondent Manushi:

From a young age, I displayed behaviours that defied societal norms, revealing a profound conflict between my assigned male body and my authentic gender identity. Playing with dolls, experimenting with makeup, wearing my mother's sarees, and expressing a passion for dance were all signs of my true self emerging.

As I entered school, relentless bullying from both peers and teachers became a harsh reality, escalating to physical harassment within the boys' hostel. My family find me stigma on the family. Nobody except my mother talked to me hardly. My coping mechanism became spending most mornings away from home, returning only after sunset to find solace in the isolation of my room. The COVID-19 pandemic's restrictions added to my anxieties, yet throughout these trying times, my love of the arts persisted as a pillar of strength.

By sharing my story, I hope to draw attention to how urgently society needs to become aware of the issues affecting transgender people and provide them with assistance, education, and understanding. I want to use my narrative to make a significant contribution to the current conversation about how important it is to accept and understand the transgender community.

CONCLUSION

1. Importance of Support Organizations:

Ashwariya's case highlights the pivotal role that support organizations, like "The Queers from Jammu," play in the lives of transgender individuals navigating the challenges of the pandemic. Beyond emotional and psychological support, these organizations become lifelines, providing resources and opportunities that become even more critical during times of economic hardship and increased isolation. The pandemic exaggerated existing challenges, highlighting the need for comprehensive support systems during crises.

2. Healthcare System Challenges:

Tanya's distressing experience within the healthcare system illuminates the additional hurdles transgender individuals face during the pandemic. The lack of empathy and

understanding underscores the necessity for gender sensitization training within medical institutions. This training would not only enhance the quality of care but also contribute to a more inclusive healthcare environment, ensuring that transgender individuals receive timely and respectful attention in times of health crises.

3. Online Learning and Discrimination:

Sunaina's narrative delves into the complex intersection of transgender identity and the shift to online learning. The discrimination and bullying she faced in virtual educational settings amplified the broader societal struggles encountered by marginalized communities during the pandemic. The abuse she received emphasizes the need to address structural prejudice in online learning environments and draws attention to the larger social issues minority populations encountered throughout the pandemic.

4. Systemic Oppression and Equality:

Manushi's journey brings attention to the pervasive societal challenges faced by transgender individuals. With the epidemic serving as a backdrop, it is even more imperative to combat structural discrimination and oppression. Manushi's story serves as a powerful plea for societal awareness, education, and support to create an environment that not only accepts but celebrates the authenticity of transgender individuals, fostering a sense of equality and justice.

5. Unique Struggles during the Pandemic:

The collective experiences of Ashwariya, Tanya, Sunaina, and Manushi underscore the unique struggles that transgender individuals navigate amidst the pandemic. Economic hardships, discrimination, and isolation create a complex web of challenges, necessitating a nuanced understanding of their experiences. The narratives emphasize the importance of tailored support systems to address these specific challenges during times of crisis.

6. Call for Societal Change:

Through these case studies, a resounding call for societal change echoes. The experiences of Ashwariya, Tanya, Sunaina, and Manushi collectively advocate for acceptance, understanding, and support for the transgender community. Their stories emphasize the urgent need to dismantle systemic oppression, both within formal institutions and societal

| Respondent | Key Sociological Factors | Intersectional Factors | Main Challenges during COVID-19 | Actions Taken | Conclusion |
|-------------------|---|---|--|---|---|
| Ashwariya | Gender identity, societal norms, family dynamics | Economic status, access to resources, discrimination | Concealment of identity, limited support, economic hardship | Reached out to LGBTQ+ organization, secured job | Importance of inclusive communities and support systems |
| Tanya | Gender, healthcare system, discrimination | Socioeconomic status, healthcare accessibility | Lack of empathy from healthcare professionals, discrimination | Advocated for gender sensitization training, raised awareness | Need for healthcare reforms and empathy in pandemic response |
| Sunaina | Gender identity, education, societal discrimination | Economic status, education accessibility, mental health | Bullying, discrimination, isolation, limited access to support | Sought psychological counselling, found community support | Highlighted barriers faced by transgender individuals, need for societal acceptance |
| Manushi | Gender identity, societal norms, family dynamics | Education accessibility, discrimination, mental health | Bullying, isolation, lack of acceptance | Advocated for awareness and education initiatives | Emphasized importance of understanding and acceptance for transgender individuals |

norms, ensuring that principles of equality and justice prevail even amid of global crises like the COVID-19 pandemic.

In conclusion, the plight of the transgender community in India persists despite legislative efforts and the establishment of Transgender Welfare Boards. The discrepancy between the intentions of policies and their actual application highlights structural issues that derive from prejudice and social stigma. Addressing these issues requires a multi-faceted approach, including comprehensive legal reforms, societal awareness campaigns,

and collaborative efforts across sectors. Central to this endeavour is the need for genuine representation and inclusion of transgender voices in decision-making processes. By challenging existing norms and fostering inclusive policies, society can move towards a future where transgender individuals enjoy equal rights and opportunities. Stakeholders must prioritize the well-being and dignity of transgender communities, recognizing their resilience and contributions to society. Only through concerted action can we achieve true equality and justice for all individuals, irrespective of gender identity or expression.

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