

A CRITICAL STUDY OF THIRD GENDER VICTIMIZATION AND MAJOR ABUSES

Prof. R. N. Mangoli¹, Mr. Vinayak R Nidasosi², Mr. Suleman Choudhri³, Dr Mohammed Subhan Attar⁴

ABSTRACT

Background: *Victimology is the branch of criminology that looks at victims, victimization and other related issues. Collective victimization and critical Victimology are both relatively recent additions to the field and concentrate specifically on collective victimization. India says they are working towards Gender Equality and Gender Neutrality in the 21st century, yet the court has not completely taken into account gender vulnerability and the lack of 'Gender Neutrality.' The Indian society at the moment only recognizes male and females as a social and legal genders, and the transgender community has not been officially recognized as third gender.*

Significance: *In India, these people are addressed by varied names as kinnar, hijira or arvani according to their regional or local custom, but it has already been accepted in Western countries. Things rightly remained in place for these individuals and the gender vulnerabilities of these individuals have been recognized by the Supreme Court for class as under the Third gender and the term 'transgender' has been classified as an umbrella term. Method:* *This study used the survey method to examine problems experienced by individuals from gender minority groups. Result:* *The paper describes the welfare sanctions being offered by the Government of Karnataka through policies and then analyzes the current rate of victimization. It also talks of how cisgender victimize gender vulnerable people and to what extent the individual agrees on the available facilities. Also, it studies the public opinion of the current legal framework as it pertains to the welfare of gender minority persons and the relationship between gender dysphoria and victimization rates.*

KEY WORDS: Vulnerable, Collective Victimization, Victimity, Third Gender, Legal framework, Cisgender.

1 Professor & Chairman Department of Criminology and Criminal Justice, Rani Channamma University, Belagav-591156 Karnataka, India.

2 & 3. Research Scholars, Department of Criminology and Criminal Justice Rani Channamma University Belagavi-591156 Karnataka, India.

4. Assistant Professor, National Forensic Sciences University, Delhi Campus, India

INTRODUCTION

The study of crime victims is known as Victimology, it explores the interactions between victims and offenders and analyzes the victimization process their impact on the victims. Victimology is a subfield within Criminology and is often considered to be closely associated with criminology. Criminology focuses on understanding the motivations behind prohibited and criminal behaviors additionally Criminology delves into the reasons for specific behaviors, who is involved, and the perceptions of the criminal justice system. In contrast, Victimology examines victims, the causes and effects of victimization, the support provided by the criminal justice system to victims and

their families, and societal attitudes towards victims, especially in the media and local communities.

Victimology is a recent area of study that explores the relationship between victimization and specific social groups in society to understand why certain groups are consistently more vulnerable to crime. It is also known as victimization studies and focuses on how particular communities or groups are targeted by criminal activities. Upon reviewing the legal framework in India concerning the Third gender, we found a lack of significant legislation governing the recognition and treatment of these groups. In terms of gender-related laws in India, these regulations are only applicable to specific gender minorities and acknowledge recognition of only male and female genders. These efforts led to the establishment of the Transgender Person's (Protection of Rights) Act of 2019 and the issuance of specific guidelines by the Indian government for the well-being of these communities.

As of now, we are addressing vulnerable groups such as women, children, and those facing economic hardships, who are at a higher risk of being victims of crime. Furthermore, despite an increase in criminal targeting of individuals who identify as third-gender, we still perceive them as vulnerable based on their gender identity.

Third gender (trans-people) are individuals who do not conform to traditional gender norms. This group includes Intersex, Transsexuals, Cross-dressers/Transvestites, and others who deviate from traditional gender norms in some way. At different points in their lives, those who do not conform to traditional gender norms become the focal point for individuals or groups who are emotionally invested in enforcing these norms. Past experiences show that this attention is usually hostile and often manifests as hate and violence, as stated by Herek (1990, p. 328). This study focuses on the harassment and intimidation that transgender people experience. In India, cisgender individuals are responsible for the victimization of third-gender communities. Official data from sources like NCRB, SCRB, and other criminal statistics fail to accurately depict the seriousness and frequency of these victimizations because they only account for reported incidents to police stations. As a result, third-gender communities are now being included in Critical Victimology due to this underreporting.

Hence considering the negligence and severity of the third gender victimization present research is conducted with the aims of, 1. Exploring the current legal frameworks in Karnataka concerning towards third gender. 2. Analyzing the mistreatment experienced by individuals of non-binary genders in the Belagavi District and 3. Evaluating the perspective of individuals who identify as the third gender on government-provided facilities.

DOCUMENTRY ANALYSIS

1. **(Bachchhav, 2019)** The Author Systematically explore the Trans gender problems in the legal context and explored the present lacks in Criminal legal frameworks which are Asymmetric in nature and lacks in Protective, Security and Conceptually, and also, author explains how present laws which are have limitations and fixed towards particular people like Cisgender (Men and Women). Author primarily focuses on how Indian Constitution Safe guards the people of Trans gender in India and its symmetric nature and how Constitution protects the Individual rights with irrespective of Gender (Gender neutral).
2. **(Mohapatra & Mohapatra, 2022)** This Author detailed about how Hijar's (an umbrella term of Trans gender) are facing discriminations and highlighted how violations taking place because of unrecognition's and explore the major discrimination like-Marginalization and Inclusion, Poor economic conditions and discrimination in the

workplace, Problems of homelessness, Problems of transphobia and psychological distress of Transgender people in India.

3. **(Sahu, 2019)** The Author concluded that Recognition or non-recognition of any gender contributes towards the construction of the identity of a gender. The state while working through legalities, institutions, and state personnel holds immense power in constructing and deconstructing the other. here author tried to explained what present condition they have in the society for their development and welfare, but in reality, is Transgender (Third gender) are still facing some issues with Cisgenders and are still vulnerable when compared with Cisgender (Male and female), and present Law also has some lacks in the view towards the welfare of Transgender. the present state has Some provisions but unfortunately, they are Asymmetric. Legal provisions that outcaste/unrecognised towards the unrecognized. With this study the Author concluded that the Legal Recognition of Trans gender persons are required in India, and then only we curb the Violation against Transgender.
4. **(Legal Recognition of Gender Identity of Transgender People in India: Current Situation and Potential Options | United Nations Development Programme, n.d.)** The author expressed through this study that the present Legal status of Third genders and current legal recognition of gender identity as 'hijras' and other transgender people in India. This views author concluded so far none of the state governments except Tamil Nadu has made legal provisions and Recognition of Transgender. And the Tamil Nadu state has started issuing Transgender Certificates (Identity cards) for welfare mechanisms.
5. **(Lombardi et al., 2002)** There is massive discrimination and prejudice against transgendered people within society. The author explored how economic abuses discriminates the Transgender in society, the author found the result is that experiencing economic discrimination because transgender had the strongest association with unemployment.
6. **(Testa et al., 2012)** Through this study author explored how the transgender population has demonstrated high rates of experiencing violence. This study tried to exposure of the physical and sexual violence would be relating with Substance abuse suicide and how substance abuse leads to suicide attempts. With this the author concluded that The Physical and Sexual abuses are at high risk factor for suicide attempts towards Transgender.
7. **(Schuyler et al., 2020)** The author identifies Sexual victimization, including sexual harassment and assault towards Transgender. This study examined experiences of sexual harassment, stalking, and sexual assault victimization during service in the people between LGBT and Non-LGBT. The Victimization was common among LGBT service members and incident rate is very high where non service LGBT are less. This focused on bivariate relation between LGBT and Non-LGBT towards their Victimization of Sexual harassment and assault.

RESEARCH DESIGN

The study is currently focusing on the Belagavi district in the state of Karnataka, India. An empirical survey is utilized, during the period of January to February 2024, a total of 94 samples were gathered for this study. The intended data was collected using a non-probability type sampling with snowball sampling technique, and study is both quantitative and qualitative (Mixed) survey method.

Tools and methods: In order to achieve the goals of the current research used both primary and secondary data. The questionnaire that will be delivered to the third gender is the source of the primary data. And the national level reports like the NCRB and SCRB, journals, earlier published research works; news stories, etc. were considered here as secondary data.

LIMITATIONS OF THE STUDY

- The research exclusively concentrated on transgender individuals, rather than addressing the needs of LGBTQ+ individuals who are also vulnerable due to their gender identity.
- The focus was only on a small number of well-known reported cases of abuse.

RESULTS AND DISCUSSION

I. Exploring the current legal frameworks in Karnataka concerning towards third gender.

The Government of Karnataka is implementing unique and effective legal frameworks for the growth of Third gender (transgender) individuals in Karnataka

State of Karnataka's Transgender Policy, 2017:

In 2017, the Karnataka State Government created and released a thorough transgender state policy. The policy recognizes the structural discrimination experienced by transgender people as well as the absence of their rights in numerous criminal and civil statutes. It also acknowledges the Supreme Court's ruling in *NALSA v. Union of India* (2015). The policy's goal is to uplift transgender people and defend their constitutional rights. It urges all government agencies to incorporate transgender development into their plans and programmes. The policy includes provisions for housing, jobs, education, and other areas. The policy covers a wide range of transgender people, including transgender men (FTM) and women (MTF), Jogappas, Jogtas, Hijras, and Kothis. It mandates that using the term "transgender" rather than "third gender" is preferable.

A SUMMARY

The policy has a three-step approach: (a) enforcing constitutional protections for dignity, nondiscrimination, and equal access; (b) identifying the State organizations and departments that bear responsibility; and (c) specifying the accountability procedures. The policy suggests empowerment, enabling, corrective, and sustainability measures in line with this.

Empowering programmes work to meet the ambitions and guarantee the participation of transgender people. One such method is gender self-identification. Among the measures are directives to government officials to adhere to nondiscriminatory policies in regard to legal matters, access to public resources, and use of public areas. This is closely related to corrective actions, which might include promoting the adoption of anti-discrimination rules at work, offering secure housing, and minimizing unfavorable media portrayals.

The policy also expressly defines enabling actions, such as estimating the necessary resources for implementation, formulating implementation guidelines, overseeing the relevant government agencies, and sensitizing stakeholders like parents, educators, physicians, and law enforcement. The provision of scholarships, chances for skill development, and the fusion of current programmes to include transgender people are sustainability measures.

Measures being put into action:

The Transgender Support Unit, Coordination Committee, Monitoring Committee, and Cell for Transgender People will work together to implement the Policy. The main duties of the Cell for Transgender People include starting assistance programmes, creating identifying documents, and running awareness campaigns. Identification will take place in a transparent, non-intrusive, and empowering manner. Based on a self-declared affidavit, the committee will issue identification

cards. All authorities will accept this card for use in indicating gender on other documents.

Official records. The policy also stipulates that transgender people have access to counseling facilities set up for assault victims.

The policy identifies a list of laws and clauses that need to be changed to include transgender people. This includes the Juvenile Justice Act, Section 375 of the Indian Penal Code, laws against workplace discrimination, etc. Additionally, it states that police stations must to keep information and figures on crimes committed against transgender people. Notably, the policy states that the current legal aid authority should take steps to offer free legal aid and will provide legal support to transgender people who are the target of harassment. The policy also specifies precise time frames for reviewing and improving its implementation. Activists have found significant flaws in the policy, despite the fact that it is a progressive step, and they suggest some improvements to make it truly beneficial.

For Reservation: The Karnataka government announced a 1% reservation for transgender people in all services and positions across all job categories, to be filled through a direct recruitment process. Each category of general merit, Scheduled Caste, Scheduled Tribe, and each category among the other backward classes will be eligible for the 1% reservation. To accommodate transgender people, Rule 9 of the 1977 Karnataka Civil Services (General Recruitment) Regulations has been modified. (4)

To offer free legal aid and services to the transgender community, the Karnataka State Legal Services Authority created the "KSLSA (Legal Aid and Services to the Transgender Community) Scheme 2022." Perhaps, Justice B Veerappa, a High Court Judge with KSLSA. This innovative transgender programme was first introduced in the nation by a court judge who also serves as the organization's executive chairman.

If found fit, transgender people are urged to be hired as paralegal volunteers (PLVs) by all legal assistance organizations. According to statistics, the transgender community only files a small number of claims and has very little access to the legal system. The gender justice committee meeting again emphasized that the transgender population is unable to access legal advantages for a variety of reasons, including cost, difficulty finding a dependable representative, and ignorance of their legal rights. They are more abused since they lack a gender identification.

Only their internal battles with different departments to obtain voter IDs, identity cards, and ration cards are visible. There is terrible access to judicial recourse. However, because they are viewed as criminals, the majority of cases are brought against them.

Also, the transgender population needs to get the same respect as other members of society. They will be able to access justice with the support of this plan, according to KSLSA's statement on the plan. Just 4, 1, 30, 6, and 5 transgender people were reportedly helped by legal services authorities in the state during the 2016–17, 2017–18, 2018–19, 2019–20, and 2020–21 time periods, compared to a total of 341, 216, 348, 189, and 165 transgender people nationwide. (5)

II. Analyzing the mistreatment experienced by individuals of non-binary genders in the district.

Table: 01

Nature of Physical Abuses	No. of incidence (%)
Hitting	35(37.23)
Slapping	18(19.14)

Pushing/pulling	29(30.85)
Bodily Injuries	12(12.78)

Table 01: - It is evident that physical abuse of Third gender individuals is a serious problem in the Belagavi district. This statement is supported by the data in the table, which shows that out of 94 respondents, the greatest number of respondents experienced hitting is 35(37.23%), followed by pushing/pulling is 29(30.85%), slapping is 18(19.14%), and remaining 12(12.78%) experienced physical injuries. The Belagavi district faces a significant issue of physical abuse against Third gender individuals, as indicated by the **table 01**. The data reveals that out of 94 respondents, the highest number of **35 (37.23%)** are reported hitting, followed by **29 (30.85%)** experiencing pushing/pulling, **18 (19.14%)** experiencing slapping, and the remaining **12 (12.78%)** reporting physical injuries.

Based on the table provided, we can infer that hitting is the most prevalent form of physical abuse, followed by slapping. Pushing and bodily injuries occurred subsequently in the list of abuses.

Table: 02

Nature of Psychological/Emotional abuses	No. of incidence (%)
Blaming	36(38.30)
Insulting	18(19.14)
Feel Shaming	20(21.30)
Threat of harm	10(10.63)
Forced isolation from society	10(10.63)

Table 02 shows that among 94 respondents in the Belagavi district, the majority of individuals are experienced psychological/emotional blame, totaling **36 (38.30%)**, Additionally **20 (21.30%)** respondents felt shame, **18 (19.14%)** were insulted, and **10 (19.14%)** faced the threat of harm. The remaining **10 (19.14%)** respondents encountered both great harm and forced isolation from society.

Based on the table above, it can be concluded that blaming is the most prevalent form of psychological abuse, followed by insulting, feel shaming, and the threat of harm and forced isolation from society.

Table no: 03

Nature of Sexual abuses	No. of incidence (%)
Sexual harassment	48(51.06)
Inappropriate touches	27(28.80)
Sexual teasing	15(16)
Indecent exposure	04(4.25)

In the district, out of 94 samples, the highest number of reported sexual assaults was for sexual harassment at **48 (51.06%)**, which is a serious form of abuse. Unwanted touches accounted for **27 (28.80%)** of the cases, while sexual taunting accounted for **15 (16%)**, and the remaining **04 (4.25%)** samples involved Indecent exposure. Based on the table above, we can conclude that sexual harassment is the most common form of sexual abuse, followed by inappropriate touches. Sexual

teasing and sexual harassment occurred in that order.

Table no: 04

Nature of Economical abuses			No. of incidence (%)
Cheating			15(15.95)
Theft			29(30.85)
Forced/under property	duress	stolen	45(47.9)
Used as labour with No/less wages			05(5.3)

In **Table 04**, the highest number of incidents, at **45 (47.9%)**, involved forced or under duress stolen property. Thefts against the third gender were rated at **29 (30.85%)**, while cheating was rated at **15 (30.85%)**, and being used as labour with no or less wages was rated at **05 (5.3%)**.

Based on the table, it can be concluded that cheating is the most common form of economical abuse compared to other forms such as theft, forced or under duress stolen property, and being used as labour with no or less wages.

III. Evaluating the perspective of individuals who identify as the third gender on government-provided facilities.

Legal Awareness among third gender:

Table no: 05

Yes	78(83)
No	16(17)

Table No 05, According to the table, most of the participants are informed about the government's efforts to enhance their welfare. The study indicates that 78 out of 94 respondents (**83%**) were aware of the government's initiatives for their welfare.

Number of Third gender person's experienced health facilities & Clinical facilities:

Table no: 06

	Clinical Facilities	Health Facilities
Rarely	62(66)	76(80.85)
Regularly	24(25.5)	08(8.52)
Constantly	08(8.5)	10(10.63)

The data in **Table 06** indicates that most of the respondents, **62 (66%)**, receive medical assistance infrequently. Following this, **24 (25.5%)** of the respondents receive it frequently, and the remaining **08 (8.5%)** samples consistently receive it in the District. It was found that the highest number of respondents, **76 (80.85%)**, only occasionally visit a healthcare facility. Additionally, **10 (10.63%)** samples visit continuously, and the remaining **08 (8.52%)** respondents regularly have access to a clinical facility in the district

Respondent residence:

Table no- 07

Home	09(9.6)
Community	37(39.36)
Shelter home (Govt.)	15(15.95)
Privately	16(17.02)

NGO	17(18.08)
Other source	00

In **Table No. 7**, it is observed that the largest proportion of respondents, **37 (39.36%)**, reside in their community. This is followed by **17 (18.08%)** who live in NGOs, **16 (17.02%)** who reside privately, and **15 (15.95%)** who live in government-run shelters. The remaining **09 (9.6%)** are living in their own homes.

Opinion of Respondent towards government facilities:

Table no-08

Yes	75(79.8)
No	19(20.2)

In **Table-08**, it is evident that, out of 94, **75 (79.8%)** respondents have expressed negative responses to government initiatives. In contrast, **19 (20.2%)** have shown favorable responses to government programs targeted at them in the District.

Satisfaction towards legal frameworks framed by Government:

Table no: 09

Strongly agree	26(27.7)
Agree	12(12.76)
Neutral	08(8.5)
Disagree	35(37.23)
Strongly disagree	13(13.81)

In **Table 09**, it is evident that the legal framework implemented by the Government for Third Gender People's satisfaction is reflected. The highest number of respondents, **35 (37.23%)**, express disagreement. In contrast, **26 (27.7%)** strongly agree, **13 (13.81%)** strongly disagree, **12 (12.76%)** are sampled, and the remaining **08 (8.50%)** express neutral opinions.

CONCLUSION

Third-gender individuals were targeted with Physical abuse more often than other forms of abuse, also the Third gender faces the risk of experiencing Economic, Sexual, and psychological abuse. Further it is disheartening to see the satisfaction of third gender community, it is found that, government's implementation of policies and programmes has not lived up to their expectations, and they believe that the government's attempts to increase awareness and offer support are insufficient. By looking at these aspects the government must enact more sophisticated policies to safeguard the interest of the community.

Future scope of the research: In the present research we have witnessed, how the third gender have been victimized in the Belagavi district, but the study is very small and restricted to a single place, further such studies must be carried out for the exact identification of problems suffered by the third gender community which will assists in better policy formation.

Compliance with ethical standard: Authors doesn't have any conflict of interest, and informed consent was obtained from all the respondents of the study.

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