

# REPORT ON PROVISIONS FOR TRANSGENDERS IN HOSPITALS IN WEST BENGAL, INDIA

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# LIST OF ABBREVIATIONS

FF: Fact Finding

FFR: Fact Finding Report

FFT: Fact Finding Team

NA: Not Available

## EXECUTIVE SUMMARY

Transgender people have a gender identity or gender expression that differs from the sex that they were assigned at birth. Some transgender people who desire medical assistance to transition from one sex to another identify as transsexual. Transgender, often shortened as trans, is also an umbrella term; in addition to including people whose gender identity is the opposite of their assigned sex (trans men and trans women), it may also include people who are non-binary or gender queer. Other definitions of transgender also include people who belong to a third gender, or else conceptualize transgender people as a third gender. Many transgender people experience gender dysphoria, and some seek medical treatments such as hormone replacement therapy, sex reassignment surgery, or psychotherapy. Not all transgender people desire these treatments, and some cannot undergo them for financial or medical reasons. Many transgender people face discrimination in the workplace and in accessing public accommodations and healthcare. In many places, they are not legally protected from discrimination. Transgender people are diverse in their gender identities (the way you feel on the inside), gender expressions (the way you dress and act), and sexual orientations (the people you're attracted to). Transgender people are a vulnerable population of patients with negative experiences in health care contributing to stigmatization of their gender identity. Transgender persons suffer significant health disparities and may require medical intervention as part of their care. Transgender persons suffer significant health disparities in multiple arenas. Real or perceived stigma and discrimination within biomedicine and the health care provision in general may impact transgender people's desire and ability to access appropriate care.

The transgender community in India has faced discrimination almost everywhere for years and healthcare is not an exception. What is believed to be a basic human right to others, is still a challenge for many of them. The non-recognition and non-acceptance of their gender identity is a major barrier that makes not only access to healthcare but also to food security, employment and education more difficult than others. India has almost 4.88 lakh transgender persons, as per the Population Census, 2011. To give them recognition and address their issues, the Parliament of India had recently enacted the Transgender Persons (Protection of Rights) Act, 2019 which calls for changing the negative attitude of the general public, prohibition of discrimination and access to welfare measures including healthcare.

# INTRODUCTION

The transgender community in India have been devoid of basic rights including right to healthcare. The Constitution is the grundnorm of India which weaves the rule of equality before law for all persons. Article 14 casts an obligation on the state and reads as:

*“The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”*

In *National Legal Services Authority vs. Union of India*, the apex court established the base for the rights of transgender persons in India by recognising ‘transgender’ as ‘third gender’ and laid down guidelines to protect the rights of and ensure prohibition of discrimination against the transgender persons.

Eventually, in 2019, the legislation being The Transgender Persons (Protection of Rights) Act, 2019, was enacted for the protection of rights of transgender persons and their welfare. Section 3 of the Act prohibits discrimination against transgender persons inter alia on the ground of denial or discontinuation of, or unfair treatment in, healthcare services. The enactment even casts obligation upon the government to facilitate access to transgender persons in hospitals and other healthcare institutions and centres.

# METHODOLOGY

Primary research and data was used to conduct this fact finding mission. Data was collected through unstructured in-person interviews with the medical officers, hospital staff and attendees, patients and their family members, etc in the respective districts.

# TEAM MEMBERS

The Fact Finding was conducted by the team of following advocates and social activists:

1. Sourat Nandy
2. Sujoy Chakraborty
3. Ankan Biswas
4. Aindrila Dey
5. Billeswar Sinha
6. Esha Acharya
7. Monika Barman
8. Ramprasad Sardar
9. Amit Middy
10. Salma Parvin
11. Siddhartha De
12. Abu Sayed Mostafa Siraj
13. Tanbir Alam
14. Suravi Barik
15. Animesh Sakar

## **OBJECTIVES**

The primary objectives of the Fact Finding Mission were:

1. To determine the healthcare infrastructure in West Bengal for transgender community;
2. To determine the facilities available for transgender community in West Bengal.

## **LIMITATIONS**

The research conducted faced certain limitations some of which are enumerated below:

1. It is limited to few hospitals and districts and does not include all the districts and hospitals of West Bengal;
2. Travel and other restrictions due to the pandemic Covid-19;
3. Limited number of people to visit and conduct the fact finding; and
3. Non-responsiveness of the staff, doctor and employees of the hospital.

# ANALYSIS OF SITUATION

## CASE STUDY 1

Name of the Hospital: Jalpaiguri Sadar Hospital

Address: Hospital para, Netaji Road, P.O & Dist: Jalpaiguri, Pin : 735101

Date of Fact Finding: 23/06/2021

Fact Finding Team: Esha Acharya

There are no separate beds and wards available for Transgender individuals. They are allotted beds according to their orientation and mostly into the female wards.

They do not have a separate Covid-19 ward. They mentioned that there is a separate Covid-19 hospital set up at Biswa Bangla Krirangan.

Restroom for Transgender individuals is not available.

During the fact finding, it was brought to the notice of the fact finding team that the hospital had not received any proposition regarding transgender specific ward from the Government ever. Further, it was reported that there has been representation made to the District Magistrate regarding similar matters in the past by an organisation but it was not entertained and the situation still remains the same.

## CASE STUDY 2

Name of the Hospital: Anghuri Block Primary Health Centre.

Address: Village + P.O. + P.S.- Bankura- 722102

District: Bankura

Date of Fact Finding: 23/06/2021

Fact Finding Team: Billeswar Sinha and Lakhinda Murmu.

There are no separate beds and wards available for Transgender individuals.

They do not have a separate Covid-19 ward.

Restroom for Transgender individuals is not available.

During the fact finding, hospital staff and medical professionals refrained from disclosing any information and requested the fact finding team to meet the Block Medical Officer of Health to gather any information. Dr. A. Kundu, Block Medical Officer mentioned that being a small hospital there are only male and female wards and no separate restrooms for transgender individuals.



### **CASE STUDY 3**

Name of the Hospital: Barjona Super Speciality Hospital

Address: Vill + P.O. + P.S. - Barjona

District: Bankura

Date of Fact Finding: 22/06/2021

Fact Finding Team: Billeswar Sinha, Somnath Kar and Ali Hossen Chowdhury.

There are no separate beds and wards available for Transgender individuals. They are admitted in Male/Female wards/beds.

Hospital does have a separate Covid-19 ward but no specific bed allotted for Transgender individuals.

Restroom for Transgender folks is not available. They are asked to use either the Male or Female restrooms.

During the fact finding, hospital staff and medical professionals refrained from speaking and sharing any information with the fact finding team. They were asked to meet Dr. S.N. Prasad, Superintendent of Barjona Super Speciality Hospital who first mentioned that there are all kind of arrangements for transgender individuals but later when was asked to provide information regarding the number of beds allocated for them, the response was nothing is available as of now and that the government would have to start.

### **CASE STUDY 4**

Name of the Hospital: Tamluk District Hospital

Address: Hospital Road, Tamluk, Dist-East Midnapore-721636

District: East Midnapore

Date of Fact Finding: 23/06/2021

Fact Finding Team: Aindrila Dey. There are no separate beds and wards available for Transgender individuals. They are accommodated in the General ward.

Hospital does not have a separate Covid-19 ward. Restroom for Transgender individuals is not available. During the fact finding, hospital staff and medical professionals ignored speaking to the fact finding team. The information has been collected from a reliable source.

## **CASE STUDY 5**

Name of the Hospital: Alipurduar District Hospital

Address: Ward number 13, Alipurduar

District: Alipurduar

Date of Fact Finding: 22/06/2021

Fact Finding Team: Animesh Sarkar

There are no separate beds and wards available for Transgender individuals. They are accommodated in the General ward.

They do have a separate Covid-19 ward but no beds allotted for the Trans folks.

Restroom for Transgender individuals is not available.

During the fact finding, hospital staff and medical professionals didn't co-operate and the fact finding team faced problems.

## **CASE STUDY 6**

Name of the Hospital: Contai SD Hospital

Address: Darya Hospital Road, Darua, Contai, Dist-East Midnapore-721401

District: East Midnapore

Date of Fact Finding: 23/06/2021

Fact Finding Team: Aindrila Dey.

There are no separate beds and wards available for Transgender individuals.

The hospital has a separate Covid-19 ward but no beds allotted for the Trans individuals.

Restroom for Transgender individuals is not available.

During the fact finding, hospital staff and medical professionals ignored speaking to the fact finding team. The information has been collected from a reliable source.

## **CASE STUDY 7**

Name of the Hospital: North 24 Parganas District Hospital

Address: Barasat, Kolkata, West Bengal-700124

District: North 24 Parganas

Date of Fact Finding: 23/06/2021

Fact Finding Team: Ankan Biswas

There are no separate beds and wards available for Transgender individuals. They are accommodated in the General ward.

They do have a separate Covid-19 ward but not anything allotted for the Trans folks.

Restroom for Transgender individuals is not available.

During the fact finding, hospital staff and medical professionals were not cooperative and were not willing to share any information with the fact finding team.

## **CASE STUDY 8**

Name of the Hospital: Mal Super Speciality Hospital (Mal Sub- Division)

Address: Malbazar, P.O., P.S.- Mal, Dist- Jalpaiguri

District: Jalpaiguri

Date of Fact Finding: 23/06/2021

Fact Finding Team: Tanbir Alam

There are no separate beds and wards available for Transgender individuals. There is no such facility available within the Jalpaiguri district.

They do have a separate Covid-19 ward but not anything allotted for the Trans individuals.

Restroom for Transgender individuals is not available.

During the fact finding, the attending staff/ nurse as well as others with whom the fact finding team got in contact, were hesitant about providing the information. They kept on mentioning that they were not allowed to provide information to outsiders and the team was asked to contact the superintendent.

## **CASE STUDY 9**

Name of the Hospital: Jalpaiguri District Super speciality Hospital.

Address: Near NH 31(Govt Engineering College) P.O- Kotwali, P.O & Dist- Jalpaiguri.735221

District: Jalpaiguri

Date of Fact Finding: 22/06/2021

Fact Finding Team: Tanbir Alam

There are no separate beds and wards available for Transgender individuals. There is no such facility available within the Jalpaiguri district.

They do have a separate Covid-19 ward but not anything allotted for the Trans individuals.

Restroom for Transgender individuals is not available.

During the fact finding, the hospital staff was non cooperative with the fact finding team. They were hesitant about providing any information and asked the team to contact the superintendent for any such queries.

## **CASE STUDY 10**

Name of the Hospital: Medinipur Medical College & Hospital

Address: Battalachak, P.O.-Medinipur, PS-Kotwali, Dist-Paschim Medinipur

District: Paschim Medinipur

Date of Fact Finding: 23/06/2021

Fact Finding Team: Suravi Barik

There are no separate beds and wards available for Transgender individuals. They are accommodated in a general ward.

They do not have a separate Covid-19.

Restroom for Transgender individuals is not available.

During the fact finding, the team had to face difficulties as the staffs were reluctant in providing any information.

## **CASE STUDY 11**

Name of the Hospital: Raiganj Government Medical College and Hospital

Address: Raiganj, Uttar Dinajpur, West Bengal

District: Uttar Dinajpur

Date of Fact Finding: 21/06/2021

Fact Finding Team: Sujoy Chakraborty

There are 30 separate beds allotted for transgender individuals.

They do have a separate Covid-19 ward and beds for the transgender individuals too.

Restroom for transgender individuals is available.

During the fact finding, the team had to face difficulties since the hospital staff as well as the superintendent was reluctant to provide any information. One of the senior nurses provided the above mentioned information.

## **CASE STUDY 12**

Name of the Hospital: Chandannagar Sub Divisional Hospital

Address: Helapukur Road, Last French Colony, Chandannagar, Chinsurah, Dist- Hooghly- 712136

District: Hooghly

Date of Fact Finding: 23/06/2021

Fact Finding Team: Sourat Nandy

There are no separate beds and wards available for Transgender individuals. They are accommodated in general ward.

They do not have separate Covid-19 ward/beds for the transgender individuals.

Restroom for Transgender individuals is not available.

During the fact finding, the team faced difficulties since the hospital staff and medical professionals ignored them and refrained from answering.

### **CASE STUDY 13**

Name of the Hospital: Hooghly Imambara District Hospital

Address: Hospital Road, Chinsurah, Dist- Hooghly-712102

District: Hooghly

Date of Fact Finding: 23/06/2021

Fact Finding Team: Sourat Nandy

There are no separate beds and wards available for Transgender individuals

They do not have a separate Covid-19 ward.

Restroom for Transgender individuals is not available.

During the fact finding, the team had to face difficulties as the hospital staff and medical professionals ignored them and refrained from answering. The above information was collected from a reliable source.

### **CASE STUDY 14**

Name of the Hospital: Pandua Rural Hospital

Address: G.T. Road, P.O+P.S- Pandua-712149

District- Hooghly

Date of Fact Finding: 23/06/2021

Fact Finding Team: Sourat Nandy

There are no separate beds and wards available for Transgender individuals. They are accommodated in general ward.

They do not have a separate Covid-19 ward.

Restroom for Transgender individuals is not available.

During the fact finding, the team had to face difficulties as the hospital staff and medical professionals ignored them and refrained from answering. The above information was collected from a reliable source.

## **CASE STUDY 15**

Name of the Hospital: Cooch Behar M.J.N. Medical College and Hospital, Cooch Behar

Address: Silver Jubilee Road, P.S- Kotwali District Cooch Behar Pin -736170

District: Cooch Behar

Date of Fact Finding: 23/06/2021

Fact Finding Team: Abu Sayed Mostafa Siraj

There are no separate beds and wards available for Transgender individuals. In case of any emergency they are admitted in the female ward.

They do not have a separate Covid-19 ward.

Restroom for Transgender individuals is not available.

According to the fact finding team there are near about 140 to 160 transgender persons in the Cooch Behar District. Thus, it is necessary to accommodate with a separate ward for the transgender person with at least five beds. It was found that there are many rooms locked empty in this hospital.

## **CASE STUDY 16**

Name of the Hospital: Dinajpur District Hospital, Balurghat

Address: Village - Beltalapark , P.O. - Beltalapark , P.S. - Balurghat

District: Dakshin Dinajpur

Date of Fact Finding: 23/06/2021

Fact Finding Team: Siddhartha De

There are five beds available for Transgender individuals as per the hospital authorities.

No information was provided in regard to Covid-19 ward.

Restroom for Transgender individuals is available.

According to the FFT, the hospital did not provide the actual condition of the transgenders in the district. Transgender persons suffer a lot due to inadequate infrastructure of treatment of transgender in the district hospital. Transgender persons have previously lodged complaint to the Superintendent of district hospital regarding their discomfort in the process of treatment in district hospital and asked that some steps should be taken as they face many difficulties during such unprecedented times of Covid-19. As per their observations, there is a shortage of beds and ward during the Covid situation.

## **CASE STUDY 17**

Name of the Hospital: Burdwan Medical College & Hospital (BMCH)

Address: Opp. Shyamsayer, Bardhaman University, Burdwan, West Bengal, 713104

District: Purba Bardhaman

Date of Fact Finding: 23/06/2021

Fact Finding Team: Salma Parvin

There are no separate beds and wards available for Transgender individuals. They are admitted in the female ward.

As per the hospital authorities there are approximately 10 beds allotted to transgender individuals in the Covid-19 ward.

Restroom for Transgender individuals is available.

According to the FFT, the hospital authorities mentioned that in the hospital there are no separate wards for transgender folks. There is no accommodation as well in the hospital, so separate treatment is not possible in this situation.

## **CASE STUDY 18**

Name of the Hospital: Baruipur Sub Divisional Hospital

Address: Baruipur,, Kulpi Road , Kolkata-700144

District: South 24 Parganas

Date of Fact Finding: 22/06/2021

Fact Finding Team: Ramprasad Sardar and Amit Middy

There are no separate beds and wards available for Transgender individuals. They mentioned male transgenders are admitted in the male ward and female transgenders are admitted in the female ward.

As per the hospital authorities there is no Covid-19 ward.

Restroom for Transgender individuals is not available. Male Transgender is requested to use the Male restroom and Female Transgender is asked to use the Female Restroom.

According to the FFT, the hospital authorities refrained from providing any information. After several requests the Superintendent of the hospital provided the above information.



## **CASE STUDY 19**

Name of the Hospital: North Bengal Medical College and Hospital

Address: Baruipur Sushrutanagar, Siliguri, West Bengal 734012

District: Darjeeling

Date of Fact Finding: 22/06/2021

Fact Finding Team: Manika Barman

There are no separate beds and wards available for Transgender individuals.

As per the hospital authorities, Covid-19 ward is available but not separately available for transgender individuals.

Restroom for Transgender individuals is not available.

According to the fact finding team, the hospital authorities were reluctant to provide any information. After several requests, the Superintendent of the hospital provided the above information.

## **OBSERVATIONS AND CONCLUSION**

In India, free healthcare is provided through government hospitals. The inclusion of medical and surgical management for transgender individuals as a part of the public health system will allow for equitable distribution of resources, as well as assist in the creation of the multidisciplinary teams. This is a model that has been tried in Tamil Nadu and has been very progressive in the care of transgender individuals.

The fact finding was conducted by visiting 19 (nineteen) hospitals in West Bengal. The FFT faced certain difficulties in collecting the data. Out of the 19 hospitals, only 1 hospital was found to have separate beds for transgenders and one another hospital has only 10 beds allotted to transgenders infected with Covid-19. Only 2 out of the 19 hospitals have separate washrooms allotted for transgenders. In the 18 out of the 19 hospitals visited, none of the hospitals even have a separate ward for the transgenders.

The FFT observed that the medical professionals and the members of the staff of the hospital were hesitant and refrained from interacting and divulging information about the situation prevalent in the hospitals. Any hospital of any District or Medical College should have an information/help desk/ enquiry desk centre for the Patient Parties for their lesser harassment. For handling any pandemic/situation, any District Hospital should be well equipped with good management.

Despite availability of empty rooms, separate space is not allotted to the transgender folks. It was reported that four beds were to be earmarked for transgenders in MR Bangur Hospital in West Bengal. There is unavailability of beds and wards for the transgender persons and in the testing times of this pandemic, there is severe and urgent requirement of beds and wards for transgenders.

*"Very little is always done for the community. We are glad this step has been taken. It will help many. We also hope this facility gets extended to other cities and states. The transgender people are also human beings, the virus will not affect them differently even though at most places they are treated differently. Thus knowing that there are beds reserved, it's a matter of reassurance for the transgender community."*

**- Ranjita Sinha, Association of Transgender/Hijra in Bengal**

## Picture Gallery









