

PROBLEMS OF TRANSGENDER COMMUNITY IN INDIA: A SOCIOLOGICAL STUDY

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Abstract: Can we categories people only as ‘male’ or ‘female’? We live in a society which is deeply structured by gender. But sexual orientation categories based on the gender binary system are disrupted by gender diversity. Gender diversity provides a challenge to the gender binary system in a number of ways—via intersex, third or other genders, gender fluidity, positions outside of gender, gender queer etc. In India there exist a host of socio – cultural groups of transgender people like hijras, and other transgender identities like – Aradhis, Sakhi, jogtas, jogappas, etc. All members of these subgroups face severe discrimination and harassment in all respects in contemporary India and they are subjected to unfair treatments like verbal abuse, physical and sexual violence; false arrests; denial of share in their ancestral property, services, and admission to educational institutions; and victimization in multiple settings like family, educational institutions, workplace, health care settings, public spaces. Highlighting some major problems faced by Transgender Community in India and to make the society aware about the problems of transgender community and also to provide suggestions to improve their status is the theme of this article.

Key Words: Transgender, Social Exclusion and Discrimination, Transphobia.

Introduction: Can we categories people only as ‘male’ or ‘female’? We live in a society which is deeply structured by gender. But sexual orientation categories based on the gender binary system are disrupted by gender diversity. Gender diversity provides a challenge to the gender binary system in a number of ways—via intersex, third or other genders, gender fluidity, positions outside of gender, gender queer etc. In India there exist a host of socio – cultural groups of transgender people like hijras, and other transgender identities like – Aradhis, Sakhi, jogtas, jogappas, etc. All members of these subgroups face severe discrimination and harassment in all respects in contemporary India and they are subjected to unfair treatments like verbal abuse, physical and sexual violence; false arrests; denial of share in their ancestral property, services, and admission to educational institutions; and victimization in multiple settings like family, educational institutions, workplace, health care settings, public spaces. Seldom, our society realizes or cares to realize the trauma, pain and

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agony which the members of Transgender community neither undergo, nor appreciate the innate feelings of the transgenders. The Transgender community is often ridiculed and abused in public places such as railway stations, bus stands, schools, workplaces, malls, theatres, hospitals, etc. It is also sidelined and treated as untouchables. As a result, the community perceives that it has been excluded from actively participating in social, cultural life; economy; and politics and decision-making processes. A primary reason (and consequence) of the exclusion is perceived to be the lack of (or ambiguity in) recognition of the gender status of hijras and other transgender people.

Objective of the Study:

1. Highlighting some major problems faced by Transgender Community and makes the society aware about the problems in India
2. To suggest inclusive measures to improve their status.

Methodology:

The present research work has been done with the help of secondary data collected from articles, publications and websites.

Transgender in India: Gender variance in India has ancient, even prehistoric, roots. TG Community encompasses of Hijras, eunuchs, Kothis, Aravanis, Jogappas, Shiv-Shakthis etc. The Hijra communities in India have a record history of more than 4000 years. Hijras belonged to the 'Eunuch' culture that was common across the Middle East and India, where Eunuchs worked as guards, advisers, and entertainers. Hijras trace their origin to the myths in the ancient Hindu Scriptures of the Ramayana and Mahabharata. The Concept of *napunsaka* has also been an fundamental part of vedic literatures. Jain literature also mentions a detailed reference of TG and the concept of 'psychological sex'. Hijras also played a prominent role in the royal courts of the Islamic world, especially in the Ottoman empires and the Mughal rule in the Medieval India. Historically, Hijras/transgenders had played a noticeable role, with the beginning of colonial rule from the 18th century onwards, the situation had changed significantly. During the British rule, Criminal Tribes Act, 1871, which deemed the entire community of Hijras persons as innately 'criminal' and 'addicted to the systematic commission of non-bailable offences' had passed. After Independence, the law was repealed in 1949, but mistrust of the transgender community has continued. This has provided the

transgender the margin without any serious effort to mainstream. In a judgement in 2014, the Supreme Court perceived that “The transgender community, generally known as “Hijras” in this country, are a section of Indian citizens who are treated by the society as “unnatural and generally as objects of ridicule and even fear on account of superstition”. Moreover, every person must have the right to decide their gender expression and identity, including transsexuals, transgenders, hijras. They should have right to express freely their gender identity and be considered as a third sex.” Hence, today the transgender people in India are known as Third Gender. Hijras exist all over India. Indian Census has never recognized third gender i.e. Transgender while collecting census data for years. But in 2011, data of Transgender were collected with details related to their employment, Literacy and Caste. In India, total population of transgender is around 4.88 Lakh as per 2011 census.

Because of they have an active social organization of both traditional and ritualistic, Hijras are unique. They earn a living by prostitution or by performing a traditional ceremony such as naming ceremony. This is a baptizing ceremony with music, singing, and dancing performed at the home of the new infant. It should be noted, however, that this ceremony is not wholly accepted by everyone. The Union Cabinet approved the Transgender Persons (Protection of Rights) Bill 2016 for introduction in Parliament, and this Bill is expected to bring social, educational and economic empowerment to the transgender community. This Bill to a community that has been disliked and discriminated against for so long could mean a chance to live a life of dignity and equality.

Despite this supposedly sanctioned place in Indian culture, transgender face severe discrimination and harassment in all respects in contemporary India and they are subjected to unfair treatments like verbal abuse, physical and sexual violence; false arrests; denial of share in their ancestral property, services, and admission to educational institutions; and victimization in multiple settings like family, educational institutions, workplace, health care settings, public spaces. The perpetrators of violence and discrimination against transgender include their own parents and siblings, friends, neighbors, their community members, school and college authorities, employers, house owners, health service providers, police, clients and many others because of their effeminate behavior, physical appearance, trans status, real or perceived association with sex work, real or perceived HIV status, dress code, and so on.

Problems Faced by Transgender Community:

Transgender people in India face a variety of issues. This discrimination not only denies TG people equal access to key social goods, such as employment, health care, education and housing, but it also marginalizes them in society and makes them one of the weaker sections who are at risk of becoming socially excluded. Here the researcher is highlighting some major problems faced by TG people in India:

1. Marginalization and Social Exclusion:

Marginalization is at the core of exclusion from fulfilling and full social lives at individual, interpersonal and societal levels. People who are marginalized have relatively little control over their lives and the resources available to them; they may become stigmatized and are often at the receiving end of negative public attitudes. The marginalized people may be limited opportunities to make social contributions and they may develop low self-confidence and self-esteem and may become isolated. Also they have relatively limited access to valued social resources such as education and health services, housing, income, leisure activities and work. TG individuals may experience multiple forms of marginalization-such as racism, sexism, poverty or other factors – alongside homophobia or transphobia that negatively impact on mental health. This marginalization often excludes Transgender people from many support structures, often including their own families, leaving them with little access to services many others take for granted, such as medical care, justice and legal services, and education. Marginalization and bias around sexual orientation and gender identity and expression regularly prevent Transgender people from accessing fundamental public services such as health care and housing and contributes to significant health disparities.

Marginalization of Transgender people often starts with the family into which they were born. The familial marginalization of Transgender people hinders initial prevention and education efforts, encourages risk-taking behavior that can lead to HIV infection, and places obstacles in the way of receiving proper medical treatment and psychosocial support for Transgender youth already living with HIV/AIDS. Transgender persons face huge discrimination in access to public places like restaurants, cinemas, shops, malls etc. Further, access to public toilets is also a serious problem they face quite often. Even though, there are no separate toilet facilities for Hijras/transgender persons; they have to use male toilets where they are prone to sexual assault and harassment.

The exclusion and discrimination have extremely affected on the lives of transgender persons. This has resulted in Dropping out of school earlier; Leaving Home and Family; Unable to find regular jobs, have less options than others; Being ignored in the community and isolated; Unable to access various services and Unaware of what they are entitled to; Mobility, Move to other areas, (such as the city and urban areas); Lack of family and social support; Rejected from Religion (Esp. Muslim and some Christian Fundamentalist sects); Attempt suicide; and Decide to follow their parents to marry opposite sex and then divorce.

2. Harassment of Transgender People in Educational System:

The transgender community is a highly marginalized and vulnerable one and is seriously lagging behind on human development index mainly in the area of education. Majority of this community is illiterate or less educated due to which they are not able to participate fully in social, cultural, political and economic activities. Actually educational Institutions are very much gendered place. Stigmatization of gender-nonconforming and transgender children and youth is amplified in the educational system, which mirrors the rest of society in reinforcing strictly binary and patriarchal gender norms. According to Indian Census 2011, the population of transgender is around 4.9 lakh in the country. Census data also reveals that this community has low literacy rate, just 46 percent transgenders are literate, compared to 74 percent literacy in the general population. The community recognized as “disadvantage group” defined by the Right to Education Act (Indian Express, 2014). It means these kids will be eligible for 25 percent reservation under the economically weaker section for admission. There are many factors responsible for the low level of education of this community but main reasons are exclusion from family/society, poverty, social stigma and discrimination, insensitive attitude of teachers/staff, violence and sexual abuse.

3. Poor Economic Conditions and Discrimination in the Workplace:

Low literacy rate and social exclusion further limits the employment and livelihood opportunities for transgender community. There are several factors responsible for their economic deprivations which are as Exclusion from Family and Society, Stigma and Discrimination at work place, Lack of knowledge and training in vocational skill development, Lack of opportunities and Lack of confidence in engaging them by employers.

Stigma, discrimination and violence against gender-nonconforming and transgender children in families and school systems, are further compounded by economic marginalization. Those transgender individuals who manage to survive the hostility they encounter as children and youth, find their employment opportunities as to be curtailed, both by the limited formal education many have had, and by stigma and discrimination in recruitment practices of many employers, as well as hostility in most workplaces, absence of gender-appropriate rest rooms, etc.. This leaves many MtF transgender people, especially those from working class backgrounds, with no alternative but begging and sex work. Both MtF and FtM transgender individuals also have to contend with sexual harassment in the workplace, across both formal and informal sectors.

4. Problems of Homelessness:

The myriad problems facing Transgender people who are homeless include a lack of housing and services that meet their specific needs. They are living on city's streets because they were thrown out of their homes for being queer, or ran away to escape an abusive situation. Transgenders are not allowed to choose with which gender they are more comfortable living in the shelter system. Abuse and harassment of Transgender homeless people is rampant in the shelter system. There has been also a lack of any comprehensive plan for long term housing for people with AIDS. Homeless Transgender youth are without economic support, often engage in drug use and risky sexual behaviors, and often develop mental health disorders. Homeless Transgender youth miss out on education and social support during critical formative years—more than half of homeless Transgender youth report experiencing discrimination from peers.

5. Problems of Transphobia:

Transgender people are more likely to experience intolerance, discrimination, harassment, and the threat of violence due to their sexual orientation, than those that identify themselves as heterosexual. This is due to transphobia. Some of the factors that may reinforce transphobia on a larger scale are moral, religious, and political beliefs of a dominant group. Living in a transphobic environment forces many TG people to conceal their sexuality, for fear of the negative reactions and consequences of coming out. Transphobia manifests itself in different forms, for example physical attacks, discrimination in the workplace and negative media representation. Transphobic individuals play an effective role in inferring with the lives of TG individuals. They cannot suppress their

feelings of hatred and the fact that they cannot accept TG individuals. Thus, they harass TG individuals verbally or physically and expose them to violence. Such attitudes direct TG individuals to stress, dissatisfaction of the place they live in, exposure to physical disturbance, loneliness and ostracism.

6. Psychological Distress:

TG people face considerable levels of stigmatization, discrimination and harassment in their daily lives. The majorities of Transgender people learn to cope with this, particularly when they have the support of family and friends, and participate with Transgender organizations and social networks. However, a significant number of Transgender people, most particularly younger Transgender people, had to cope with stigmatization, discrimination and harassment without support. Many of them face homophobic stress as bullying in schools, also physical and verbal attacks. That resulted in negative impact on their mentality which leads to psychological distress, self-harm and suicidality in them. TG teenagers can be particularly isolated, given that many will be exploring their sexual orientation or gender identity without any support. This is more difficult in rural areas e.g. at work means it is more likely that one's community, one's family and one's friends are aware that one is TG. Rural TG people may be more likely to leave the place of their birth/youth than the general population. These emotions might comprise deep sadness, anxiety, loneliness, discomfort in social situations, and feeling overwhelmed. In fact, so much distress that it can be described by the diagnosis of a mental disorder.

Conclusions:

Despite a pre-colonial heritage that recognized and celebrated gender diversity in temple sculptures, mythology and religious treatises, it could be concluded that transgender people in India, today, face intolerance, stigma, discrimination and violence. Human rights violations against transgender people infuse families, educational institutions, workplaces, institutions such as law-enforcement, healthcare, media, and society at large. Affirmative actions are needed to wipe out stigma and discrimination associated with the community.

At the end it can be said that, protecting TG people from violence and discrimination does not require the creation of a new set of TG -specific rights, nor the establishment of new international human rights standards. The legal obligations of States to safeguard the human

rights of TG people are well established in international human rights law on the basis of the Universal Declaration of Human Rights and subsequently agreed international human rights treaties. LGBTQAI people are entitled to enjoy the protections provided for by international human rights law, as rights to life, security of person and privacy, the right to be free from torture, arbitrary arrest and detention, the right to be free from discrimination and the right to freedom of expression, association and peaceful assembly.

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