



Problems and Suggestive Measures of Transgender Community in India

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ABSTRACT

Transgender people are those who identify as neither male nor female and who exhibit traits from both sexes. They are full members of society and are entitled to all of the same privileges as everyone else. The transgender are the part of society, and everyone are allowed to enjoy the same rights as everyone else in the globe. Such transgender people have existed since the beginning of time and are well-documented throughout history. The term “transgender” is often used as a catch-all to describe those who reject rigid, binary gender constructs and who show or demonstrate a blurring and breaking of socially accepted traditional gender categories. Society is familiar with transgender people. Discrimination against them has gone on long enough. The purpose of this study is to highlight some of the most significant issues that the transgender community in India is now facing, to educate the public about these issues, and to offer solutions to help the community move forward.

Key words: Transgender, Social exclusion, Discrimination, Transphobia

Introduction

“Sex is what you are born with, gender is what you recognize and sexuality is what you discover”. Anitha Chettiar

Our civilization is greatly effected by gender and sex differences. Every part of our culture, people are classified as “male” or “female.”However, gender variety undermines categories of sexual orientation based on the gender binary framework. Through intersex, third or other genders, gender fluidity, positions outside of gender, gender queer, etc., gender diversity challenges the gender binary paradigm in a number of ways. People who identify as “transgender” contest the normalisation of gender binary thinking. There are numerous socio-cultural transgender groups in India, including the hijras and kinnars as well as other transgender identities like the shiv-shaktis, jogtas, jogappas, Aradhis, and sakhi. All members of these subgroups experience severe discrimination and harassment in modern India, and they are subjected to unfair treatment such as verbal abuse, physical and sexual violence, false arrests, denial of access to services and admission to educational institutions, as well as victimisation in a variety of contexts such as the home, places of employment, healthcare facilities, and public places. Rarely does our culture acknowledge or care about the anguish, suffering, and torment that transgender people experience. It also rarely acknowledges their innate emotions, particularly those of those whose mind and body reject their natal sex. The transgender population is frequently mocked and mistreated in our society, and in public places like train stations, bus stops, schools, workplaces, malls, theatres, and hospitals, they are ignored and treated like outcasts.

These communities were of the opinion that they have been rejected the opportunity to actively engage in cultural and social life, the politics, and decision-making processes. The absence of acknowledgement of the gender status of hijras and other transgender people is considered to be the major cause (and effect) of the exclusion. This hurdle continuously stops them from practising their civic rights in the gender of their choice.

Objectives of the study

To study the problems faced by transgender community in India

To aware the society about the problems and challenges of transgender community

To provide suggestive measures in order to improve their Status

Methodology

In order to conduct this research, the information used was primarily based on textual sources, including books, essays, and papers published in a variety of national and international journals. Hence, the researcher used secondary data .

Transgender in India

India's gender inequality has ancient, possibly prehistoric, origins. Over 4000 years of eunuchs, Kothis, Aravanis, Jogappas, and Shiv. The ancient Hindu Scriptures of the Ramayana and Mahabharata belonged to the "E" India, when Eunuchs served as guards, advisors, and entertainers. The Hijra Community, who were exiled from the king, The Hijra communities in India have a long history and a culture that was widespread throughout the Middle East. The myths in the the concept of tritiya pra krti or napunsaka has also been a significant component of vedic and puranic literatures. Hijras trace their origin to these mythology. When Lord Rama, who had been king for 14 years, turned around to face his supporters before departing for the jungle and commanded all the "men and women" to return to the city, he was referred to as a "napunsaka." The hijras alone among his followers choose to stick with him since they do not feel constrained by this direction. The concept of "psychological sex" is mentioned in length in the Jain Texts, which also make reference to TG. In the royal courts of the Islamic world, particularly during the Ottaman and Mughal eras in mediaeval India, hijras also played a significant role. Gayatri Reddy's work "With Respect to Sex: Negotiating Hijra Identity in South India" contains a thorough investigation of the underlying history of the issue. Historically, Hijras and transgender people had an important role to perform. Even though they had a significant influence, we can see that after the introduction of colonial control in the 18th century, the environment had radically changed. The Criminal Tribes Act, 1871, was enacted during British rule to regulate the actions of the Hijras/TG community. It was intended to portray the entire Hijras community as inherently "criminal" and "addicted to the systematic commission of non bailable offences." The Act penalised eunuchs who were registered and appeared to be dressed or accessorised like women in a public street or place, as well as those who danced or played music in a public place, and it provided for the registration, surveillance, and control of certain criminal tribes and eunuchs. These individuals may also be detained without a warrant and given a term of up to two years in prison, a fine, or both. According to the Act, the local government was required to register the names and addresses of all eunuchs living in the area who were reasonably suspected of abducting or castrating children, committing crimes under Section 377 of the IPC, or aiding in the commission of any of the aforementioned crimes.

The law was overturned in 1949 after India gained independence, but prejudice towards the transgender population has persisted. Due to this, there has been no real attempt to bring transgender issues into the mainstream. The Supreme Court ruled in its decision that "In light of the constitutional guarantee, the transgender community is entitled to fundamental rights, i.e. Right to Personal Liberty, dignity, Freedom of expression, Right to Education and Empowerment, Right against violence, Discrimination and exploitation, and Right to Work." Additionally, everyone should have the freedom to choose their gender expression and identity, including transsexuals, transgender people, and hijras. They should also not be treated as a third sex. As a result, transgender people are now regarded as belonging to the Third Gender in India. There are Hijras all over India. While collecting census data for years, the Indian Census has never acknowledged the third gender, or transgender people. However, information about transgender people's occupation, literacy levels, and caste was gathered in 2011. According to the 2011 census. There are around 4.88 lakh transgender people living in India. Among the 35 Indian states and Union Territories, Uttar Pradesh tops the list with 12,916 transgender people, Bihar is second with 9,987, and rural Bengal is third with 9868.(8) . The census statistics also demonstrated the community's low literacy rate, which stands at 46% compared to the general population's 74% (Times of India May 30, 2014).

(Protection of Rights) Bill 2016 was authorised by the Union Cabinet for introduction in Parliament, and it is anticipated that this Bill will give the transgender population social, educational, and economic empowerment. This Bill may provide an opportunity for a community that has endured so much exclusion and discrimination to live in dignity and equality.

The following details will help you comprehend the Bill's provisions:

1. The Bill outlaws forcing a transgender person to leave their home or village, strip off their clothes, parade about naked, beg for money, or engage in any other form of forced labour. The legislation will need to be changed to include incidents of sexual assault against transgender people, and these actions will be punishable by up to two years in prison and a fine.
2. The Bill also makes it illegal to refuse a transgender person access to any public space and to damage them physically or psychologically within or outside of the house.
3. It grants all transgender people who were not born as SC or ST the OBC category and gives them the right to reservations under the corresponding .
4. The Bill defines "Transgender" as the third gender and offers transgender people the ability to choose whether they want to identify as "man," "woman," or "transgender," regardless of medical treatment or hormones. They can only be referred to as transgender, not as people of the "other" gender or as "others." Any official document that requests proof of gender identification, such as a passport or an Aadhar card, must accept a certificate of transgender identity that has been issued by a state- level organisation
5. Additionally, it makes sure that transgender people and transgender children have access to all of the rights provided by the Indian Constitution, including the right to equality, to life, dignity, and personal freedom. All government institutions are required to provide inclusive education, to not discriminate against any transgender students, and to offer these students discounts, free textbooks, free tuition waivers, and other benefits. Additionally, a cell to monitor discrimination against transgender students must exist in every educational institution. The government must also establish programmes for transgender people's rehabilitation and welfare, information centres, awareness – raising campaigns etc as well as the required orientations to educate people in public places like schools.
6. The Bill instructs the police to help transgender people who have been wronged by the law and to put them in touch with the closest organisation that can help them.

7. The Bill directs the government to offer loans, support and enable employment for transgender people, particularly for self-employment and vocational training, and ensuring that there is no discrimination against transgender people at work.

Despite this supposedly accepted position in Indian culture, transgender people still experience severe discrimination and harassment in the country today. They are victimised in a variety of contexts, including families, schools, workplaces, healthcare facilities, and public places. They are also subjected to verbal, physical, and sexual abuse, false arrests, denial of access to services and ancestral property, denial of admission to educational institutions, and victimisation. Their own parents and siblings, neighbours and other members of their community are among those who abuse and discriminate against transgender persons. Their effeminate attitude, external look, trans- status, actual or perceived involvement in sex work, perceived HIV status, clothing code, and other reasons are what drive them to take these behaviours.

Problems experienced by Transgender Community

Transgender people in India have to cope up with a number of issues. In addition to depriving TG individuals of equal access to fundamental social services like employment, health care, Education, and housing, this discrimination also drives them out towards society's periphery, where they become one of the weakest group at risk of social marginalisation.

Marginalization and social inclusion

At the individual, interpersonal, and societal levels, marginalisation is at the heart of exclusion from leading fulfilling and full social lives. People who are marginalised have very little influence over their lives and the resources at their disposal; they risk stigmatisation and frequently encounter unfavourable public perceptions. People who are marginalised may have less possibilities to contribute to society, which can lead to isolation, low self-esteem, and a lack of confidence. Additionally, they have comparatively restricted access to important social

services like education and healthcare, housing, income, leisure activities. Along with homophobia and transphobia, TG people may also face other forms of marginalisation, such as racism, sexism, poverty, or other issues, which have a detrimental effect on mental health. Transgender persons are frequently excluded from numerous social networks, including their own families, as a result of this marginalisation, which leaves them with limited access to resources that many other people take for granted, such as education, justice and legal services, and healthcare. Transgender persons frequently experience barriers to basic public services like housing and healthcare due to marginalisation and bias surrounding sexual orientation and gender identity and expression which also had a, substantial impact on health disparities.

Transgender people's marginalisation frequently begins in the family they were born into. The stigmatisation of transgender people by their families undermines early prevention and education initiatives, encourages risky behaviour that can result in HIV infection, and creates barriers to receiving appropriate medical care and psychosocial support for transgender youth who are already living with HIV/AIDS. Transgender people experience severe discrimination when trying to enter public spaces like eateries, theatres, shops, malls, etc. They also frequently have a severe issue with access to public restrooms. Although there are no dedicated restrooms for Hijras or transgender people, they are nonetheless forced to use male restrooms, where they are more likely to experience sexual harassment and violence.

The lives of transgender people have been severely impacted by exclusion and discrimination. As a result, they have dropped out of school earlier, abandoned their families and homes, struggled to obtain steady employment, had less opportunities than others, were shunned by their neighbours and felt alone, were unable to access numerous services, and were unaware of their rights. Mobility, moving to new places (such as cities and urban areas); lack of social and family support; Rejected from Religion (especially by some Fundamentalist Muslim and Christian factions); suicide attempt; and decide to follow their parents' example and get married to someone of the opposite sex and get divorced.

Exploitation of Transgender People in Educational System

The transgender community is incredibly marginalised and at risk, and it is substantially behind the curve in terms of human advancement, notably in the field of education. Being illiterate or having a low degree of education prohibits the bulk of this group from participating fully in social, cultural, political and economic activities. Infact there is a significant gender gap in academic institutions. The educational system, which imitates the rest of society by following rigidly patriarchal and binary gender ideals, worsens the stigmatisation of transgender and gender nonconforming children and youth. The 2011 census found that there are approximately 4.9 lakh transgender individuals in india. The low literacy rate in this community is also evident from census data, which shows that only 46% of transsexual persons and 74% of the general population are literate. The low level of education in this community is caused by a number of issues, but the primary ones include exclusion from family and society, poverty, social stigma and prejudice, the insensitivity of teachers and staff, violence and sexual assault.

Discrimination and poor economic condition in the work place

Low literacy rates and social isolation further limit the employment and income alternatives for the transgender community. Numerous things contribute to their economic troubles, such as being excluded from family and society, stigma and discrimination at work, lack of education and training in developing job-related skills, lack of opportunities and employers lack of trust in hiring them.

Problem of homelessness

Lack of housing and resources that cater to their particular needs is only one of the many issues that homeless transgender individuals face. Because they were expelled from their homes for being gay or fled an abusive circumstance, they are now living on the streets of the city. Transgender people are not permitted to pick the gender with which they feel most at ease when living in the shelter system. In the shelter system, transgender homeless people frequently experience abuse and harassment. Additionally, there has been no systematic strategy for long-term housing for AIDS patients. Homeless transgender youth lack access to resources, frequently use drugs and engage in risky sexual behaviour, and frequently suffer from mental health issues. More than half of homeless transgender youth report encountering prejudice from peers, meaning they miss out on education and social support during crucial formative years.

Problems of Transphobia

Transgender people are more prone than heterosexual people to experience intolerance, prejudice, harassment, and the danger of violence due of their sexual orientation. Transphobia is the root of this. Some factors that may contribute to transphobia on a larger scale include the political, religious, and moral beliefs of the dominant group. The transphobic environment in which they live forces a lot of TG persons to conceal their sexual orientation because they are terrified of the reactions and consequences if they come out. Violent attacks, discrimination in the workplace, and poor media representations are only a few examples of the various expressions of transphobia. Transphobic people are quite good at interfering with the lives of TG persons. Their feelings of animosity and their reluctance to accept TG persons are out of their control. As a result, they abuse and harass TG individuals physically or verbally. Such beliefs cause TG people to feel stressed, unsatisfied with their environment, vulnerable to physical harm, lonely, and excluded.

Psychological stress

High degrees of stigmatisation, discrimination, and harassment are commonplace for TG people. Most transgender people learn coping skills for this, particularly when they have the support of friends and family and participate in transgender organisations and social networks. Many transgender people, particularly younger transgender people, had to deal with stigmatisation, discrimination, and harassment on their own. Many of them endure homophobic stress in the form of verbal and physical abuse, as well as bullying at school. That had a negative impact on their thinking, which led to psychological distress, self-harm, and suicide thoughts. They might feel particularly alone because many TG kids will be experimenting with their sexual orientation or gender identification alone. Rural areas make it more difficult to accomplish this because it is more likely that one's neighbours, relatives, and friends are already aware of their transgender status. Rural TG people may be more likely to move away from their hometowns where they were born or spent their formative years compared to the general population. Among these emotions may include intense grief, worry, loneliness, difficulties interacting with others, and a sensation of overwhelm. In fact, there is so much distress there that it may be described as a mental illness.

Suggestive measures to improve their Status

- Regardless of changes in gender or sexual identities, everyone should have the ability to obtain a passport, ration card, voters identity card, pan card, bank accounts, debit and credit card facilities, create a will, and inherit property.
- The legal right to use women's restrooms and sleeping quarters, as well as the right to sit in women's only seats on various forms of public transportation.
- It Must be possible to marry anyone, regardless of sexual orientations, and to use official reproductive technology websites to get donor, insemination, surrogacy, adoption (even as a single parent), and other reproductive services as a "couple."
- There should be three alternatives for gender on all official and unofficial application forms, namely Man, Woman, and Transgender.
- Identity cards should be issued to distinguish genuine hijras from imposters.
- Establishing a sufficient pension amount for hijras who have reached the age of 60.
- Educational institutions must recognise students with hijra Or transgender orientation , provide an accepting environment, and oppose all forms of abuse
- Provide free legal assistance. Make a suggestion to the law ministry that the Hijras' rights to get married, have children, and be covered by other laws be seen as equal to those of women.
- The transgender and transsexual concerns must be addressed by the Indian Medical Council (IMC) and Indian Council for Medical Research (ICMR). The creation of essential norms and criteria is necessary for Sex Reassignment Surgery (SRS) and additional procedures that hijras frequently want, such as mammoplasty (breastimplants), facial hair removal, scalp hair growth, hormonal supplements, and voice change.
- IMC must adopt regulations to ensure that discrimination in medical treatment of hijras—including refusing to treat a person based on their gender identity—is punished as professional misconduct.

Conclusion

India needs to establish equal opportunity legislation based on gender and sexuality and eliminate its current discriminatory laws. Formal legislation must be passed in order for there to be substantial change, and with the aid of unions and human rights advocates, this legislation may very well be passed. The absence of statutory laws leaves TGs open to gender violence and other violations of their human rights. India has the ability to meaningfully combat its current HIV/AIDS epidemic by promoting and recognising transgender rights, offer sexual minorities' human rights actual consequence while serving as a role model for other countries to recognise gender-based rights. India must, however, repeal its current discriminatory laws and pass equal opportunity legislation based on gender and sexual orientation in order to achieve these aims. Furthermore, it is anticipated that not only the government but also social activists and the general public will take action to recognise and promote third genders for their good and peaceful way of life.

- Access to critical services, education, health, and resource availability are some of the major issues that require thought and appropriate response. By putting in place some forward-thinking solutions, such as
- Support for organisations in the civil society who fight for their rights and initiatives, such as fighting for land or shelter, the construction of separate public restrooms and hospital wards, the acknowledgement of their right to vote as citizens, the reserving of seats in elections, etc.
- Encouragement from the media, both print and electronic, to draw attention to their situation and struggle rather than paint them in a negative way. Encouragement from the media, both print and electronic, to draw attention to their situation and struggle rather than paint them in a negative way.
- Provide financial aid for Community based Organizations run by transgender communities.
- Avoiding verbal harassment of transgender people in films and television shows .

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