

Problems Faced by Transgender Community in India

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Abstract

The Spirit Of The Indian Constitution Is To Provide Equal Opportunity To Every Citizen To Grow And Attain Their Potential, Irrespective Of Caste, Religion Or Gender. Everyone Has A Gender Identity, Today In India There Are Three Genders; Male, Female And Transgender. World Talks About Our 'Unity In Diversity' Concept, But The Ugliest Side Of Our Society Is Not Accepting All The Genders Equally. Even Though Legally Every Gender Is Treated In A Respectful Manner, When It Comes To Transgender There Is Still A Taboo In Our Society. Unfortunately, We Are In A Society Where Gender Plays A Major Role In Judging People. Although The 'Third Gender' Name Is Given To The Transgenders They Don't Get To Live With Peace And Harmony. Despite All Constitutional Guarantees, The Third Gender Is Even Denied To Have Their Basic Rights Like Right To Dignity, Personal Liberty, Education, Freedom Of Expression Etc. In This Paper The Study Focuses On The Continuous Denying Equality And The Continuous Social Distinction And Apathy Towards Hijras, Who, Because Of Their Paradoxical Sex Identity, Are Marginalized. These Individuals Are Generally Denied Their Family And Other Social Groups And Experience Various Types Of Social Exclusion. They Are Most Frequently Compelled Into Types Of Ritualized Begging, Forced Into Prostitution Because They Are Refused Adequate Schooling, Health Care And Job Opportunities. This Paper Throws Light On The Present Condition Of Transgender In Terms Of Its Educational Deprivational . It Also Covers How The Presence Of Transgender Is Excluded From The Society And What The Regulation And Order Is Doing To Convert That Social Exclusion Into Social Inclusion.

Key Words:- Transgender, Social Distinction, Social Exclusion, Social Inclusion, Equality etc

Introduction

Transgender people have a gender identity that is different from the sex that they were assigned at birth. A transgender or trans person may identify as a man, woman, transman, transwoman, as a non-binary person, and with other terms such as hijra, third gender, two-spirit, travesti, fa'afafine, genderqueer, transpinoy, muxe, waria and meti. Gender identity is different from sexual orientation. Trans people may have any sexual orientation, including heterosexual, homosexual, bisexual and asexual. We live in a society that is deeply structured by sex and gender. The categorization of people as 'male' or 'female' permeates our society on every level. 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. People of the 'Transgender' category also challenge this normalization of gender binaries. In India there are a host of socio – cultural groups of transgender people like hijras/ kinnars, and other transgender identities like – shiv-shaktis, jogtas, jogappas, Aradhis, Sakhi, 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 agony which the members of Transgender community neither undergo, nor appreciates the innate feelings of the members of the Transgender community, especially of those whose mind and body disown their biological sex. Our society often ridicules and abuses the Transgender community and in public places like railway stations, bus stands, schools, workplaces, malls, theatres, hospitals, they are sidelined and treated as untouchables. So far, these communities perceive that they have been excluded from effectively participating in social and 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. It is a key barrier that often prevents them in exercising their civil rights in their desired gender.

Conceptualizing Transgender: Gender identity refers to a person's experience of their own gender. We live in 21st century where human rights are assured and preserved for human beings except the third gender. Transgender people have existed in every culture, race, and class since the story of human life has been recorded. In its broadest sense, transgender encompasses anyone whose identity or behaviour falls outside of stereotypical gender norms. Transgender is not a term limited to persons whose genitals are intermixed but it is a blanket term of people whose gender expression, identity or be norms expected from their birth sex. That means Transgender people are individuals of any age or sex whose appearance, personal characteristics, or behaviours differ from stereotypes about how men and women are "supposed" to be. Various transgender identities fall under this category including transgender male, transgender female, male to female (MTF) and female to male (FTM). It also includes cross dressers (those who wear clothes of the other), gender queer people (they feel they belonged to either both genders or neither gender) and transsexuals.

Sudeshna Mukherjee; Transgender is an umbrella term that describes "individuals whose gender identity doesn't match the gender identity commonly experienced by those of the individuals' natal sex". Transgender does not imply any specific form of sexual orientation, they may identify as heterosexual, homosexual, bisexual, pansexual or asexual. The precise definition for transgender remains in flux, but include, of relating to or designating a person whose identity does not conform unambiguously to conventional notions of male or female gender, but combines or moves between these.

Problem Faced by Transgender Community:- 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. Their opportunities to make social contributions may be limited and they may develop low self-confidence and self esteem and may become isolated. Social policies and practices may mean they have relatively limited access to valued social resources such as education and health services, housing, income, leisure activities and work. processes of marginalization, irrespective of whether these are to be located in social attitudes (such as towards impairment,

sexuality, ethnicity and so on) or social circumstance (such as closure of workplaces, absence of affordable housing and so on). 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. The stigma attached to sexual orientation and gender identity or expression that fall outside the expected heterosexual, nontransgender norm relegates many Transgender people to the margins of society. 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 behaviour 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. Moreover, lacking other means of support, many Transgender youth are forced to turn to criminalized activities such as sex work to survive, which drives them further onto the margins of society and can expose them to greatly elevated risk for HIV. Hijras/transgender persons face huge discrimination in access to public spaces like restaurants, cinemas, shops, malls etc. Further, access to public toilets is also a serious problem they face quite often. Since, 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.

2. Impact of Family Reactions on Transgender People: - • **Conflict and Rejection:** Transgender people face a number of difficulties within the family. Most families do not accept gender nonconforming behaviour in their children, which may manifest as early as three to five years of age. For many parents, the news that their child is transgender or gender non-conforming can bring an array of emotions along with it: some feel sad, fearful and disappointed while others feel shocked, angry and upset. Very few are willing to support their loved ones without trying to make them change.

• Parents may threaten, scold or even assault their male child for behaving in ways considered girlish or feminine, and their female child for behaving like a boy. They may have several reasons for doing so: fear that a gender-nonconforming child will bring disgrace and shame to the family, apprehension that their child will not marry, perpetuate the family line and/or discharge family responsibilities. Anxious parents attribute gender-nonconformity in children to a variety of causes including mental illness, sexual abuse, confusion, rebellion or poor socialization. Believing that the best way to help their children thrive as adults is to help them try to fit in with their gender normative peers; seek to make their children conform to their gender assigned at birth through abuse, bullying, threats and medical “treatment”. These reactions undermine the self-esteem and sense of self-worth of gender nonconforming and transgender children.

3. 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.

4. Poor Economic Conditions and Discrimination in the Workplace: The interrupted education 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 under:

- Exclusion from Family and Society
- Stigma and Discrimination at work place
- Lack of knowledge and training in vocational skill development
- Lack of opportunities
- 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.

5. 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. Family housing in the shelter system across the country is not available for homeless same-sex couples. Transgender people 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. Most domestic violence shelters do not accept gay men or transgender people. There has been also a lack of any comprehensive plan for longterm 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.

6. Problems of Transphobia and Psychological Stress

Compared to the people who identify themselves as heterosexuals, the transgender community faces a lot of harassment, discrimination, and intolerance from society. Due to the moral, religious, and societal beliefs few individuals turn out to be transphobic which results in attacks, negativity, workplace harassment, etc. Because of all the above-mentioned reasons the community faces a lot of mental health-related issues and that might actually lead them to take negative decisions such as self-harming, suicidal thoughts, etc. They go through loneliness, anxiety, and insecurities because of society.

Conclusion and Suggestion:- Human rights violations against transgender people pervade 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. All human beings are born free and equal in dignity and rights. All human rights are universal, interdependent, indivisible and interrelated. Sexual orientation and gender identity are integral to every person's dignity and humanity and must not be the basis for discrimination or abuse. Many advances have been made toward ensuring that people of all sexual orientations and gender identities can live with the equal dignity and respect to which all persons are entitled. Many States now have laws and constitutions that guarantee the rights of equality and non-discrimination without distinction on the basis of sex, sexual orientation or gender identity. Nevertheless, human rights violations targeted toward persons because of their actual or perceived sexual orientation or gender identity constitute a global and entrenched pattern of serious concern. They include extra-judicial killings, torture and ill-treatment, sexual assault and rape, invasions of privacy, arbitrary detention, denial of employment and education opportunities, and serious discrimination in relation to the enjoyment of other human rights. These violations are often compounded by experiences of other forms of violence, hatred, discrimination and exclusion, such as those based on race, age, religion, disability, or economic, social or other status.

Transgender community, for the past seven decades, have been ignored, ridiculed, mocked and ill-treated not only in India but in every part of the world. They are deprived of basic living conditions like housing, decent employment, medical aid, access to social living etc, and basic emotions like care, love and marital relationship. Society has been harsh, apathetic, and inhuman towards the non-binary people. The judgments of Supreme Court in NALSA case, 2014 need commitment and will on the part of government and administrators to protect the rights of transgender community. Sensitization of people on the plights and problems of transgenders is of paramount importance. Social inclusion and acceptance of non-binary people is possible only when they are recognized as normal human beings, endowed with equal emotions, capabilities and skills. A change in perception of the people is required towards a transgender. As human beings they too deserve a decent and dignified life. Transgender human rights issues must be highlighted in the media and other public forums so as to improve public awareness, and increase transgender people's ability to realize those rights. Stigmatizing coverage in the media must be curbed. Sensitizing the masses of their problems. An Awareness drive is must. Local authorities, policy makers, schools and family need more education on accepting gender-variant children, and in treating people of different sexuality and gender identity equally, and in applying policies and programs in a "friendly" manner, rather than being hostile.

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