

A BRIEF SKETCH OF THE ISSUES OF TRANSGENDERS

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ABSTRACT

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. Transgender people have existed in every culture, race, and class since the story of human life has been recorded. Only the term “Transgender” and the medical technology available to transsexual people are new. In its broadest sense, Transgender encompasses anyone whose identity or behaviour falls outside of stereotypical gender norms.

In India, transgenders are widely known as “hijras” which is a cultural term. Hijras are mainly male to female transgenders. That is, they are predominantly male but will undergo emasculation, breast implants and will take up feminine identity by wearing female attire thus becoming part of the Hijra culture. They are treated by the society as unnatural and generally are considered as objects of ridicule. At a very early stage itself, most of the transgenders become aware of their gender identity. They realize that their gender is different from the one that is assigned at birth as a result exhibit cross gender behaviour patterns including cross dressing. Most of the transgenders live in very poor and economically backward conditions. Most of the time, the term “hijra” is used in a derogatory manner.

The main problem in the society is that there is no proper awareness and understanding of the Transgender community and many of them are not accepting even they are human beings. The common people look down upon them as they are sex workers and cheaters. On another side, the transgenders are averse against the society when the basic respect is refused by the society and when they receive ill- treatment from the society they expose their arrogant activities to safeguard themselves. In Government point of view, even the Government has taken lot of schemes benefiting to them; the whole benefits not reached them properly. Most bankers hesitate to give loans to them, because they don’t have proper income and status in the society. Transgender with the disability is one of the

emerging areas of the field of disability and there is literature or study has not available in the Indian context. Transgender with facing double disadvantages, firstly they are excluded on the basis of gender, then because of disability and their family was thrown out them as a disabled transgender. On the other side some families are accepting their gender identity and they are supported to live in the society with full of freedom.

Introduction

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. Transgender people have existed in every culture, race, and class since the story of human life has been recorded. Only the term “Transgender” and the medical technology available to transsexual people are new. In its broadest sense, Transgender encompasses anyone whose identity or behaviour falls outside of stereotypical gender norms.

Definition of Transgender: the Expert Committee on Transgenders recommended that the term “Transgender” will be used, as an inclusive term and will cover various gender identities and expressions. It will not be confined to any one of the specific socio-cultural identity groups, such as hijras, kothis, etc but will include all such persons. The terms “sex” and “gender” should not be used interchangeably and only the term “gender” should be used in various official documents including identity documents, application forms, returns, reports, etc.

According to Sen “ Transgender is the most commonly used term to describe people who cross socially constructed gender boundaries.”

Mohan in an interview with a well known hijra Laxmi Narayan Tripathi quotes as follows, “A hijra ... is someone who is feminine but not a woman, masculine but not a man, a person beyond the boxes of man and woman. The person follows the rules and regulations of the community, has a guru, lives in feminine attire, may or may not be castrated.”

According to the **Merriam-Webster Dictionary**, “transgender is of, relating to, or being a person (as a transsexual or transvestite) who identifies with or expresses a gender identity that differs from the one which corresponds to the person's sex at birth”.

In brief, ‘transgender’ is generally used to describe those who transgress social gender norms. Transgender is often used as an umbrella term to signify individuals who defy rigid, binary gender constructions and who expresses or present a breaking and blurring of culturally prevalent stereotypically gender roles. It includes pre-operative, post-operative and non- operative transsexual people who strongly identify with gender opposite to their biological sex (UNDP India Report, 2010).

In India, transgenders are widely known as “hijras” which is a cultural term. Hijras are mainly male to female transgenders. That is, they are predominantly male but will undergo emasculation, breast implants and will take up feminine identity by wearing female attire thus becoming part of the Hijra culture. They are treated by the society as unnatural and generally are considered as objects of ridicule. At a very early stage itself, most of the transgenders become aware of their gender identity. They realize that their gender is different from the one that is assigned at birth as a result exhibit cross gender behaviour patterns including cross dressing. Most of the transgenders live in very poor and economically backward conditions. Most of the time, the term “hijra” is used in a derogatory manner.

Importance of the study

Human dignity rested on the recognition of the physical and spiritual integrity of the human being. It is harmed when individuals and groups are marginalised, ignored or devalued. Transgender person does not enjoy the natural privileges of his/her acquired gender. Such people are denied civil and political rights and cannot do things others do, such as to find mainstream jobs, vote, marry, inherit property or adopt a child. Pushed to the periphery as social outcasts, they have to beg, dance or do sex work for survival. The prejudice against transgenders not only started from their home but also from society.

The main problem in the society is that there is no proper awareness and understanding of the Transgender community and many of them are not accepting even they are human beings. The common people look down upon them as they are sex workers and cheaters. On another side, the transgenders are averse against the society when the basic respect is refused by the society and when they receive ill- treatment from the society they expose their arrogant activities to safeguard themselves. In Government point of view, even the Government has taken lot of schemes benefiting to them; the whole benefits not reached them properly. Most bankers hesitate to give loans to them, because they don't have proper income and status in the society.

When the general public isolates them, Government ignores them and Banks don't have faith on them they never leave from their traditional business activities and their existing life style. In this situation the society should change its mentality towards them and only when the transgenders really get their socio economic and political development and this is possible only when there is a proper physical, mental and financial support to Transgender community. Hence, the society should take the minimum required steps that have to be taken in the process of eventually integrating the Transgender community into the mainstream.

Problems faced by Transgenders

Problems faced by transgenders are classified under four headings which are:

1 Economic Problems : Most of the individuals who identified themselves as transgenders faced the problem of identity crisis at puberty. This created hurdles for continuing their education. Unable to handle the discrimination in the places of education, they are branded as ‘drop outs’, “lacking qualification”. Due to lack of academic qualification, they do not have market value to acquire good jobs and because of their gender identity they are not employed anywhere. As a result they are involved in begging and sex work to earn income for their living. They also choose this occupation as they are in need of finance to fund their operations for change of sex organs. Few of the TG’s set up their own business, like fruit sellers or vegetables vendors. However, the other side of this prospect is very dismal. Few of them who tried this, opined that there is enormous difficulty of setting up shops or running a business in a city like Bangalore. Firstly, they do not have access to credit to invest and no reliable collaterals to seek loans. Even if they manage to access credit and invest they cannot sustain the business because of very high rent. The cost of running a small shop is up to fifty thousand or more which is not affordable for them. From the data collected it is accounted that there are about five thousand transgenders in Bangalore. They do not have any proof for their identification restricting their access to all provisions and amenities. Recently, there has been an attempt to provide PAN card, ration card, voter id to recognize the third gender, nevertheless the entire community is not covered. This problem again enhances the difficulty of obtaining credit.

2 Social Problems: The identification crisis and the reactions by the society form the baseline of the different social problems faced by TG’s. When they realize that there is a mismatch between their biological identity (sex) and gender they are subject to eve teasing and discrimination. Even close family members do not understand and are not willing to accept them. As a result they migrate to cities and faraway places. There are differences in the way people perceive the TG’s. It was understood that rural people accept and treat them as individuals in a better way than the urban ones.

Most of the TG’s crave for identification. They wanted to be treated as normal individuals. They suffer without a companion for life. Due to this they cannot form a social unit which leaves them isolated. However, there are very few TG’s who are married and leading a normal life. Problem of exploitation and harassment from different social agents is an inevitable part of their lives. They narrate experiences of having beaten up by their gurus and police of the locality. Out of their everyday earnings they are bound to give a proportion of it to their gurus.

Even if employed somewhere, there are instances of the so called educated ones in corporate firms having teased TG's due to which they have left the jobs.

3 Political Problems: The NGO's operating for the support of transgenders and the transgenders themselves feel that there is no proper support from the government of Karnataka. They are not doing enough in terms of providing identity cards, giving loans to all for business, for surgeries, helping in sustaining their business, creating employment opportunities. Though they are a few services provided, the entire community is not covered, therefore only very few avail those services, around 5 – 10%. The government of Karnataka is faring worse compared to that of Tamil Nadu and Maharashtra. The process of surgery is legalized in Tamil Nadu. In Karnataka the process of sexual surgery is not legalized, which gives way to unhealthy methods and severe health issues. Another reason for the entire community being not covered in allocation of funds or other services is the problem of implementation of the sanctioned fund. It was found that different NGOs submit the requirement of funds for different projects they are undertaking but on the other end officials should do not do a background check if all the criteria of the NGO and TG's are fulfilled before distributing the respective amount. Corruption also plays an important role here. Even if funds are allocated by the government, they do not reach the intended targets. The problem lies with the officials who engage in corrupt practices. There is lack of co-ordination and no healthy attitude towards actually solving the problem.

4 Psychological and Biological Problems: The whole process of coming out from their zones and revealing their identity needs a lot of courage. The process of undergoing sexual surgery too brings in a lot of stress physiologically and psychologically. Most of the time, it becomes difficult due to lack of support from family or friends. They refuse to do jobs in formal sector even if they are qualified due to discrimination and eve teasing. They manage odd jobs for a living which they are not happy. Feeling of loneliness due to lack of companion and just the lack of feeling of normality in leading a life is the reason they just survive and not live their life.

The Expert Committee on Transgenders and its recommendations:

An Expert Committee was constituted in the Ministry of Social Justice and Empowerment to make an in-depth study of the problems being faced by the Transgender Community and suggest suitable measures to ameliorate their problems. The Committee submitted its Report on 27 January 2014. The Committee has made extensive recommendations touching all aspects of social, economic and educational empowerment including, *inter-alia*, formulation of an Umbrella Scheme for Transgender persons. The main recommendations/ observations of the Committee are as under:-

1. Constitutional Protection: Regarding this, the Committee had given the observations that the Constitution of India guarantees right to equality and non-discrimination for all including Transgender persons.

2. Transgender Identity: The Committee recommended that the Transgender should be declared as the third gender, and a Transgender person should have the option to identify as 'man', 'woman' or 'Transgender' as well as have the right to choose any of the options independent of surgery/hormones. The certificate that a person is a Transgender person should be issued by a State level authority duly designated or constituted by respective State/UT.

3. Inclusive Approach: The Committee was of the view that inclusive approach should be the basis of Government's strategy to mainstream the Transgender Community. The Ministry of Social Justice and Empowerment should take up with all concerned Ministries/Departments of Government of India and State Governments to include the development of Transgender Community in their policies, programmes and schemes.

4. Convergence Approach: The Committee recommended to the Ministry of Social Justice and Empowerment to seek convergence with other Ministries and their existing schemes for a more targeted and focused approach towards welfare of the Transgender Community, while considering an Umbrella Scheme for direct targeted intervention in certain areas.

5. Violence faced by Transgender people: The Committee recommended that the legal and law-enforcement systems need to be sensitized on issues of Transgender people and be empowered to take actions such as:

A. Criminal and disciplinary action against delinquent police official in cases of violations of human rights of Transgender persons;

B. Taking action against parents who neglect or abuse their gender-nonconforming or Transgender children;

C. Making free legal aid available to Transgender individuals seeking redress against discrimination and violence; and

D. Sexual assault, sexual harassment and domestic violence laws must be made Transgender-inclusive.

6. Education System: The Committee was of the view that there is an urgent need for addressing the community's concerns in education sector in a holistic way that implies giving

attention to Access, Equity, Environment and Employment. Schools and Colleges need to play supportive role in this process.

7. Employment Opportunities: The Committee suggested the following approach for employment of Transgender persons like:

- i. Establishing Helpline for Career Guidance, Promotion and online Placement Support;
- ii. Capacity Building and Entrepreneurship Development;
- iii. Liberal credit facilities and other needed support for economic activities; and
- iv. Provision of social entitlement to the community.

8. Access to Healthcare: The Committee recommended that all public hospitals need to have hospital policies on registration and admission of Transgender people, training and sensitization of the health care providers.

Policy Recommendations

1 Education: Free and fair education to all groups is one of the most important constitutionally bound duties of the state. But it remains farfetched to the transgender. As most of the transgender discontinue their education, the dropout rate is high among them. It is to be noted that the Government of Karnataka is not making any efforts to resolve this issue. Its initiatives in this field are nil. Firstly drop outs should be discouraged. Attempts should be made by the government to provide transgender counselling through education institutions and support them to continue education. Children in schools should be educated about the issues of LGBT community. They should be guided to accept and respect different identities of people. This initiative should be adopted by aided as well as private institutions as it helps in providing the right information to children so they do not resort to inappropriate sources for information. Initiatives like scholarships and fee concessions to TG's should be provided similar to the ones given to students from poor economic backgrounds. This will incentivize the TG's not to discontinue education.

2 Employment: The constitutional provisions clearly state that discrimination should not be practiced on any grounds to people in terms of job opportunities. But a stable livelihood option for transgenders is too scarce. There are very few who have been employed in the main stream in Karnataka, one is a typewriter in High Court, another employed as a radio jockey. Most of the TG's are aware of the health risks of doing sex work. They resort to sex work or begging only

for survival. Since the skill levels are very low, they can be employed in the production related to small scale industries like candle making, camphor making, agarbattis, attenders, sweepers. Many of them are also aware of creative skills needed for mehendi, painting and parlour.

3 General Recommendations: In the state of Karnataka there is a social security scheme called “Mythri Yojana” which has come into order from August, 2013. According to this, sexual minorities from 25 years of age will be provided Rs 500/- per month. But the problems in implementation are huge. Out of approximately 5000 TG’s in Bangalore only 200-300 members are availing the benefits of this scheme. Loans of Rs 20,000/- are provided to TG’s to start business. This scheme is in place from one year and training is also to be provided for the same. around four hundred TG’s in Bangalore have finished training and the process of giving loans is in process. But the transgender themselves feel that this is a futile exercise as the fixed and initial operating cost of setting up a business is very high and business can’t be sustained. An alternative is providing secure jobs with appropriate salaries.

Conclusion

The transgender person is an individual any age or sex who manifests characteristics, behaviours or self-expression, which in their own or someone else’s perception is typical of or usually associated with the person of another gender. Transgender with the disability is one of the emerging areas of the field of disability and there is literature or study has not available in the Indian context. Transgender with facing double disadvantages, firstly they are excluded on the basis of gender, then because of disability and their family was thrown out them as a disabled transgender. On the other side some families are accepting their gender identity and they are supported to live in the society with full of freedom. The study clearly proves that educational institution, work place and health care sectors are the main areas of discriminators in Kerala. The government should implement new programmes and policies for transgender and included the physically or psychologically disabled persons living in the community.

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