

# Status of Transgender in India: Struggling For Change

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**Abstract:** *The third gender in India is considered as the most backward community. It is rejected and humiliated in each and every area. They are socially, culturally and financially excluded from participation in many activities. Any relation and affiliation with them is considered as Taboo. They are inclusively and exclusively excluded from the society. But, to celebrate any ceremony whether it is a birth of a baby or it's a marriage. They are invited to give blessings to the child or the newlywed couple. Through their life, they suffer violence, discrimination, abuse and disrespect from the society. As they belong to the category of third gender, their identity and status in a developing country like India is questionable. They are included by Government but excluded and unaccepted by society. In spite of enactment of many Acts, the transgender are still struggling for change. People are curious about their life and but as far as their identity acceptance is concerned, it is suspicious. The struggles and stigma never seems to an end. The present paper deals with the study of status of transgender in India and the struggle and stigma they face for being different from others since their childhood.*

**Key Words:** *Third Gender, Transgender, Struggle, Stigma, Status.*

## 1. INTRODUCTION:

The problems of Transgender is never seems to an end. Even after the constitutional provisions and amendments of new laws, their conditions are getting worse. The community of transgender is abused, neglected, harassed and scorned in most of the part of the world. The Social, cultural and economic status of transgender is highly questionable in a developing country like India. Constitutionally they are protected and assured, but they are deprived from many rights. They are subjected to harassment, unlawful penalties, sexual crimes, insult, discrimination and unnecessary violence. What makes their situation worst is behaviour pattern, social involvement of people. The inception of their condition is deeply rooted in developmental conditions. Once they are identified behaviorally and biologically different, their status of transgenderism evolves. Which means they will be subjected to denial, rejection, nagging, disrespect etc? As far as the legal protection is concerned, they are deprived from that too.

Article 19 of Constitution state that there shall not be any discriminatory practices on the basis of caste, race, religion and gender. But, still the third gender of India faces stigma and deprivation. Though, they are allowed to attend certain ceremonies to bless the newlywed or child. But, that too is subjected to certain terms and conditions as per the norms of Indian societies. As per the Census of 2011, the data related to population of third gender was collected in the category of "Others". The third gender constitutes the 4.88 Lakh of total population. But, the exact data is still in doubt as far as the accuracy of this percentage is concerned because the data collected were primarily linked to the males as they count themselves as males.

The educational status of transgender is questionable. The community comes under the category of "disadvantage group". The term "disadvantage group" is defined by the Right to Education Act. Their family status is shunned and disrespected by society. They have limited access to education, social gatherings, health services, and employment and public spaces. For majority of the population, they are restricted to participate in politic and decision making processes. They are fighting for their fundamental rights. In short, they are still fighting for their economic, social, cultural and educational status in India.

## 2. REVIEW OF LITERATURE:

According to the report of UNDP titled "Hijras/Transgender Women in India: HIV, Human Rights and Social Exclusion", they have low social economic status. Because of that, their mental and physical health is also affected. They have very low access for the treatment of sexual transmission diseases. They face several issues related to their physical characteristics. They are excluded from economy and employment too.

In the study of problems faced by Hijras, the author Anitha Chettiar clearly mentioned the stigma and disrespect this community gets from Indian society. They face many health problems like HIV, STI etc. The census of India does not list them separately. Either, they are fit in male category or upon their request they may be listed in a female category. This clearly shows their citizen identity of India.

According to the study of Flores, Brown and Park, Public support is required to include transgender in society. The survey of the study regarding the public support for transgender rights was conducted in twenty three countries. The survey was conducted by IPSOS. The study concludes that the transgender are mainly excluded by society and public support is required to include them socially, economically and culturally.

Constitutions guarantees and conferred various rights and duties to the citizens of India. Transgender are part of that. In a paper titled civil and political rights of transgender in Indian Constitutional perspective, the author Sourav Agrawal stated that they have the following rights as far as right to equality, opportunity, freedoms and right to life is concerned. Transgender have right to live their life with dignity and they have a right to fight against exploitation. They can make choices about their career, education and politics. A private bill was also passed in the House of Parliament. The bill deals with the rights of giving recognition to the status of transgender community.

VijiAthreya in his article “The life of Transgender in India” highlighted the landmark decision of 2014 of Supreme Court stating how Supreme Court has guaranteed the constitutional rights for Transgender. But, they are still fighting for their social status. The family of third gender tends to be in denial by the society for owning this kind of child. Exceptions are very few as far as the acceptance and recognition by the family members are concerned.

### **3. STATUS OF THIRD GENDER IN INDIA:**

The nomenclature “Transgender” is a problem in itself. For the purpose of study, the researcher has categorized the status of gender into following categories –

#### **SOCIAL STATUS**

Transgender are considered as Taboo in Indian society. At some public places like hotels, hospitals, malls, restaurants, theatres, cines, multiplexes, shopping centers, their entry is denied. They cannot live normal life as other genders of the country live. Their names are often associated with child nabbing and prostitution. People do not act or behave normal in their presence. If they are identified as third gender; they are forced to live their parent’s house. They are raped and abused. The degree of abuse falls in the category of oral as well as physical. They are denied, disrespected and discriminated at every nook of their life.

They cannot inherit property and they are pushed to periphery as a social outcaste. Because of this, many end up in begging or dancing.

#### **ECONOMICAL STATUS**

The third gender is predominantly experiencing social and economical inequality. Data suggest that mostly they earn livelihood from begging, dancing and engaging in sex work. As per the U.S. Transgender survey of 2005, they are mistreated at workplace. The survey also reveals that they are denied a promotion or being fired by the organization because of their gender identity. Discrimination at workplace is a common thing they experience. They have fewer economic opportunities compared to others. They often feel alone.

Education plays a vital role in enhancing jobs and economic opportunities for an individual. Their economical status in a country like India is a daily battle as there is no acceptance.

#### **CULTURAL STATUS**

In Indian culture, the third gender has played a prominent role. In past, they were treated with great respect. They have their inception in the epics like Ramayana and Mahabharata. In Indian culture, they are known as Hijras/Kinnars, Shiv-shaktis, Jogtas, Jogappas, Aradhis, Sakhi etc. They are also categorized as transgender male, transgender female, male-to-female and female-to-male. The category also includes cross-dressers, transsexuals and gender queer people.

On the basis of their appearance, personal characteristics and behaviour, they are culturally different as per the opinion of the society. Due to their cultural diversity, they are excluded from the society and do not enjoy a well acknowledged cultural status.

#### **EDUCATIONAL STATUS**

In Indian context, no formal education is popular for transgender. Due to the deprivation from family and discrimination and disrespect from the school environment, they are forced or influenced to discontinue their education. Because of lack of education, they risk their future career opportunities. Their average qualification is secondary. Their enrolment to university is very low and the dropout rate is very high. If they are enrolled in university, they face discrimination and face harassment. They are bullied every day. Thus, it results in drop out.

There is an immense need to improve their educational status. Otherwise, like past the future generation of third gender will end up in begging and sex work. On 29<sup>th</sup> October 2014, the University Grant Commission (UGC) issued a circular to all the Vice Chancellors of the Universities requesting them to include a column for Transgender Community in all applications forms.

## **POLITICAL STATUS**

As far as the political status is concerned, all the citizens of India have a right to vote and to contest election. Before 2009, only two categories of the sex were mentioned – male and female. The third gender was deprived from their statutory right of voting and contesting election. The Election Commission of India in 2009 initiated a step by allowing third gender to choose their gender as “Other” on ballot forms.

From the last few years, transgender have been able to contest and win election. In many parts of India, they have been able to elect and appointed political office. Shabnam “Mausi” Bano is a member of the Madhya Pradesh State Legislative Assembly. Kamla Jaan is a Mayor of Raigarh Municipal Corporation. Asha Devi Aryanayakam is a Mayor of Gorakhpur.

## **LEGAL STATUS**

In April 2014, the Supreme Court of India observed that “In view of the constitutional guarantee, the transgender community is entitled to have basic rights i.e., Right to Personal Liberty, freedom of expression, dignity, right to education, right against violence, right against discrimination and exploitation. They are also entitled to have access to right to work also. They have the right to decide their gender identity. It is considered as the landmark decision of the Supreme Court of India.

The Twelfth Five Year Plan (2012-2017) proposed empowerment of the Third Gender by providing them education, housing, access to healthcare services, employment, skill development and financial assistance. In addition to this, it is also proposed that separate column must be incorporated in all government and non-government records for the third gender. At State level, the States of Tamil Nadu and Karnataka have implemented the most progressive and developmental policies for the Transgender in India.

On 24<sup>th</sup> April 2016, a private member’s bill entitled “The Rights of Transgender Persons Bills, 2014” was passed by the Rajya Sabha and introduced in the Lok Sabha. The Bill deals with the different aspects like Social inclusion of Transgender, their rights and entitlements, financial and legal aids, education and skill development and prevention of abuse, violence and exploitation of Transgender. Despite of its strength, there are several deficiencies in the bill as it heavily relies on bureaucratic processes.

## **RELIGIOUS STATUS**

There is a mythological story in Ramayana. When Lord Rama was instructed to leave Ayodhya, his entire kingdom was following him. When he realized that the disciples are about to enter into the forest, he told them “Men and women, please wipe your tears and go away.” Men and women left leaving those who were not in the category of male and female. They were Hijras, in today’s language we call them third gender or transgender. Those people waited for the Lord Rama in the forest for 14 years. That’s why; they own a special place because of their sacrifice in Hindu mythology.

In many ceremonies like marriage and birth occasions, they are invited to bless the newlywed couple or the child. They are considered as demy-gods. Even, some people believe they are specially blessed by the God. One should never insult them or take the curse from them. But, this belief is confined to few groups of people.

## **HEALTH STATUS**

There are many issues related to their physical status. The health seeking process of transgender is very poor. They do not visit government hospitals fearing the stigma of disrespect and harassment. They rely heavily on Hakim or self medication. The HIV prevalence rate among transgender is very high. Their health related problems are largely ignored. They are prone to face many health problems like obesity, diabetes, blood pressure, heart diseases and various infections. The diseases like sexual transmission infection, HIV AIDS among them are common. They are subjected to expose to poor mental health, physical health and alcohol. The most important factor which contributes in deteriorating their health is their own family.

They deal with family pressure as far as their social identity is concerned in front of society. They are shunned and neglected by their own family. It highly contributes in restricted access to health services.

## **4. IMPROVEMENT AND MANAGEMENT OF TRANSGENDER STATUS – A NEED:**

Problems are part of life. The term transgender is a problem in itself. They are subjected to various issues in their daily life. Planning and policy-making is important but its proper implementation is more important. In the following way, their status can be improved and managed –

**Inclusive approach:** In my previous paper, I strongly recommended inclusive and focused approach for transgender. It must be planned and adopted by the Government and society. Though, policies have been framed but are poorly

implemented. Their social inclusion is important. Acceptance by the society is required to socially and culturally include them in each and every phase.

**Economic opportunities:** Separate economic opportunities must be provided by the government. There must be a helpline them which will help them in career planning and guidance. Online placement system must be initiated for them separately. Value based education and vocational training must be given to them.

**Cultural involvement:** In past, they were treated with great respect. It was the time of Ramayana and Mahabharata. At present era, their condition is opposite. They are culturally involved in traditions but to some extent. They have no access to other cultural rights. They must be involved in each and every culture. Their presence cannot be denied that's why must be accepted.

**Compulsory education:** The concept of compulsory education sounds awkward but can bring effective results. Separate schools must be established by the Government. Sounds costly, but can bring positive results in their education. In other schools, where separate school cannot be build to encourage them, government should provide fee-waiver, fees reimbursement, scholarship etc. facilities to them. They can also provide free study material, hostel accommodation and other facilities at subsidized rates. Acceptance of transgender can only come through education. A comprehensive sex education programme must be incorporated in school curriculum.

**Political involvement:** This is an area where transgender are doing good job but there are only few examples. After 2009, they are entitled to caste vote and contest. But, as far as decision-making in political process is concerned, it is not effective. The transgender are not involved in decision making and policy making process. Their involvement and participation must be encouraged.

**Proper implementation of Bill:** The biggest lacuna in the system is that the definition of transgender is not clear. Gender sensitization and passing of bill can help to some extent but people should be ready to accept them. Awareness regarding the bill is required to aware people about the identity and the rights of transgender. The Constitution of India guarantees fundamental rights to them but they are hardly benefited. Proper implementation of all these must be taken into consideration.

**Health measures:** Separate policies related to health care must be framed and communicated in all private and public hospitals and clinics. Transgender welfare and development schemes specially related to health must be planned and implemented. They must be aware about the precautions to be taken while engaging in any kind of activity. The Sex Reassignment Surgery (SRS) which is provided free in Tamil Nadu state must be taken into consideration by other states also.

## 5. CONCLUSION:

Living a normal life is a challenge for transgender. One cannot deny their presence. As far as their social, cultural, economical, educational status is concerned, it's very weak. Transgender is a disrespected, discriminated and vulnerable population in India. Some states are working for the betterment of their community. Tamil Nadu is a state which has successfully pioneered the exclusion of transgender into inclusion. It has introduced the transgender welfare policy which deals with the various schemes like free Sex Reassignment Surgery (SRS) in the government hospital, issuing various citizenship documents, full scholarship, free housing facilities etc. It is a first state to form Transgender Welfare Board in 2008. The board has representatives from the transgender community. Karnataka became the second state to work towards the betterment of their status. Maharashtra state is also making policies to socially include the community of transgender. The government of Chhattisgarh is also putting efforts to empower and encourage the transgender community. The state is drafting an action plan for the welfare of around 3000 transgender. Tripura Government has announced the allowance of Rs. 500 per month to the transgender people to provide them financial security. The West Bengal government has requested the Kolkata Police to recruit transgender in the Civic Police Volunteer Force. Keeping in view all the reviewed data, it can be concluded that there is need to improve and nurture the status of transgender in India.

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