

# Indian Society and Third Gender Community

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## Abstract

Sometimes a person assigned sex at the time of their birth does not line up with their gender identity. Historically transgender were regarded as very close to the God in Hindu Mythology that's why they are believe to be very important in our ancient custom and practices. In ancient society they were on well-known positions but things stated to change in eighteenth century with the arrival of British rule in India. In this study we examine transgender status in Indian society. How the life of transgender people is daily battle. They are not accepted by the society and they face stigma in almost every sphere of their life – in schools/colleges, health, employment and social schemes. We believe that they needs to be included in mainstream and should be protected from all forms of exploitation and violence. Apart from all the discrimination some of them have emerged as a role model in front of everyone.

**Keywords:** Hijra, Sex, Gender, Fundamental Rights, AIDS/HIV.

## Introduction

Sex refers to the biological differences between male and female, and gender refers to the role of a male or female in society, it could be known as their gender identity. But sometimes, a person assigned sex at the time of their birth does not line up with their gender identity. Then the individuals might refer themselves as transgender, non-binary, or gender non-conforming (Newman 2018). Transgender or *Hijra* have both male and female sexual organs. If we try to understand the term transgender, its literal meaning is taken 'beyond gender'. It is not limited only to persons whose genitals are intermixed but it is a umbrella term which includes peoples whose gender identity and expression is different from the norms which are expected from their birth sex. Such as transgender female, transgender male, male to female and female to male, cross-dressers, transsexual and gender queer people. In India, people called them by different names like *Hijras*, *Artavanis*, *Kothis*, *jogtas* and *Shivsaktis* (Kumar 2016).

Historically transgender were regarded as very close to the God in Hindu mythology (Pandeyar 2019). Hindu Goddess name *Bahuchera Mata* is considered as the guardian of the hijra community in India (IILS 2017). People were forbidden to abuse them because they were considered similar to god and their blessings during childbirth believed to be pure and effective (Pandeyar 2019). Thus, transgender were important in our ancient custom and practices. Also in the sixteenth century, on the arrival of the Mughal, hijras played a significant role in royal courts. They were on well-known positions like political advisors, administrator's generals and guardians of the women quarters. They were considered as clever, loyal, trustworthy and they had free access to move everywhere (Michelraj 2015). But from the eighteenth century onwards things started to change and became worst with the onset of British rule in India, when in 1860 British administrators introduced IPC section 377 and in 1986, the immoral traffic prevention Act, which made homosexuality a crime and transgender as criminals in society (Agoramoorthy and J. Hsu 2014).

This community is now receiving constant attention from the mainstream of society. In April 2014, in NALSA judgement of Supreme Court recognized as 'Third Gender' community in India and last year in November 2019 both the houses of parliament passed Transgender persons (right to protection) bill, 2019.

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**Aim of this study**

Is to explore transgender status in Indian society. How their life is daily battle. Why they are not accepted by the society and they face stigma in almost every sphere of their life – in schools/colleges, health, employment and social schemes. Because we believe that they needs to be included in mainstream and should be protected from all forms of exploitation and violence.

**Society and Transgender**

This section of society which is neither female nor male but still has been integral part of society for centuries and we can find various evidences of their existence in ancient texts and pauranic stories like- Ramayana, Mahabharata, Kautilya's Arthashastra, Kamasutra, Manusmriti etc. But today transgender community is one of the marginalized community in India, who fail to keep up with others on human development index. The life of transgender people is a daily battle. They are not accepted by the society and they face stigma in almost every sphere of their life – in schools/colleges, health, employment and social schemes etc. (Kumar 2016). The reason of their exploitation in society is gender not sex (Mishra 2018). Because of extreme social exclusion their self-esteem and social responsibility is diminishing. They needs to be included in mainstream and should be protected from all forms of exploitation and violence (Kumar 2016).

**Education**

Majority of transgender persons are uneducated or undereducated that's why they are excluding from participation in social, cultural, economic and political activities (Kumar 2016). Education is the only way through which Trans people can empower himself. So, it is every important for transgender community to receive education, at the same time, it is important to educate the society about them in order to normalize their existence. But because of lack of education in our society about transgenders makes them a victim of discrimination and violence every single day (Verma 2017).

In compared to 74 percent literacy in general population just 46 per cent transgenders are literate in India (Kumar 2016). The highest transgender literacy rate states are Mizoram (87.14%), Kerala (84.61) and Goa (73.90%) and the lowest transgender literacy rate states are Bihar (44.35%), Jharkhand (47.58%) and Rajasthan (48.34%) (moneycontrol.com).

The constitution of India, Article 21A makes education as a fundamental right of every child between 6 to 14 year of age group (Singh 2013). But still there is no popular formal education for transgender in India. There average qualification level is secondary or senior secondary. The enrolment is very low and dropout rate is significantly very high at the primary and secondary level. Even if they enroll themselves in educational institution, they face harassment and bulling every day (Kumar 2016). According to data, 50 to 60% transgender people never go to schools, 18% are physically abused and

62% are verbally abused in schools, and 15% are harassed by students as well as by teachers (Moneycontrol.com).

In the Indian city of Kochi, a residential school for transgender people has been opened known as Sahaj International in December 2016 by Kalki Subrahmaniam, to help the students and who dropped out of school to finish their education (Padanna 2016). But plan of residential school for transgender failed because not a single person has turned up for registration (Joseph 2017).

**Health**

Transgender communities are among the most vulnerable groups towards the deadly HIV/AIDS and other sexually transmitted diseases because they are involved in prostitution for livelihood. During the 1980's, increasing cases of HIV/AIDS was reported. The transgender community countrywide hit with an injection rate leading upto 41% which is nearly 100 times more than the national average of 0.36%. They do not only choose risky profession for making money but they end up risking their lives due to the inmate gender misfortune (Agoramoorthy and J. Hsu 2014). They agree to unprotected sexual intercourse because of fear of rejection which puts them into high risk of HIV. They believed to be 'vectors' of HIV in society (Kumar 2016).

The IBBS (Integrated Biological and Behavioral Survey) report 2014-15 shows that 70% of its people are mostly engaged in sex work, 71% face stigma in healthcare sector and 50% of them are rejected by their own family and friends, this can be seen as other risk factor contributing to HIV (Patel 2018). The National AIDS control programme-III (2007) included "MSM and transgender" persons among the 'core group' for whom HIV prevention and care programs are implemented. Also in NACP IV phase (National AIDS Control Programme (v) 2012-2017, many efforts were undertaken to control the spread of HIV infection with TG groups. However, community still comes under most vulnerable groups of HIV infections with rate of 7.5% (2014-15) and 3.1% in 2016-17 (Patel 2018).

TG people face discrimination in healthcare settings includes: use of words in addressing them, registering them as males, humiliation faced in male queue, harassment by hospital staff and other patients and lack of adequate treatment and denial of medical services (UNDP 2010). They always complained about the discriminating behaviour of medical doctors and staff at the government hospitals. (Goel and Nayar 2012). The main interpersonal barrier to Trans people in accessing HIV testing and treatment services is fear of discrimination from families, landlords, neighbours, school, also within the transgender community (Beattie and others 2012). They also face sexual harassment and violence when they use men's toilets. (Biswas 2019).

The government should ensure that TG community have access to healthcare services and supplies in non-discriminatory surroundings and also

ensure access to trained healthcare professionals who respond to their special medical and health needs (Patel 2018). Political struggle is essential to bring changes in healthcare system (Reich 2018).

#### **Employment**

After thrown out of homes the transgender people face immediate challenge is financial sustenance. They face many challenges in their life specially when they are not able to earn money due to health issues, lack of employment opportunities, old age, illiteracy etc. (UNDP 2010). Job security and financial security is very important for right to live with dignity for the transgender community. There are stories of self-employed transgender, they organised into self-help group and involved in different entrepreneurial activities such as running stores, good shops, rearing milk cows, tailoring, making soaps and napkins etc. Beside this Tamilnadu government has announced a scheme in which bank will provide loans with 25% subsidy to self-help group (Karunanithi 2015).

Due to biasness one in four transgender people lost their job and  $\frac{3}{4}$  have experienced some form of workplace discrimination, physical and sexual violence, refusal of employment, harassment and privacy violations. To avoid this they change their jobs which lead one in eight to become sex worker and drug worker (transequality.org). Discrimination can be seen well when it comes to the inclusion of transgender people in the society, especially during the employment opportunity (Pattak and others 2018). Because of this many of them choose not to express their gender identity through clothing or other signs at workplace (Ghoshal 2017). To find work in formal sector is high (Sasha R 2019) because usually private companies refuse to employ transgender (Karunanithi 2015). Even qualified and skilled transgender people do not get jobs (UNDP 2010). These limitations in employment push them towards jobs such as beauticians, entertainers or sex workers which have limited potential for growth and development. Unemployment, low-wages or high risk and unstable jobs leads them into poverty and homelessness (Diwan 2016). There are many examples of transgender persons becoming bankers, models, politicians and police inspectors and on the other hand they still face humiliation. For instance, Manabi Bandopadhyay India's first transgender college principal was forced to resign from her post because her students and colleagues protested against her because of her sexual identity (EPW).

One needs to begin with economic rights, while only can ensure transgender peoples a dignified life. Accordance with the constitutional directives, the state is a forerunner in establishing a culture of financial and social inclusion for Trans peoples. For instance, Kerala is a first state where government owned company (Kochi metro employs transgender person according to their qualifications) is providing employment to the third gender. Also in order to enable transgenders to become entrepreneurs, under the department of social justice Kerala government

came out with a plan of G-taxis which will be owned and operated by transgender peoples. We can say this is a good beginning and it could be followed by other states. Also in 2012, Women Development Corporation of Karnataka state allocated Rs. 75 lakh for providing skills to transgender and bringing them into mainstream. Organizations like Wings Travels and Humsafar are providing training to transgender individuals for the All India Driver's License. Under Mukhyamantri Kaushal Vikas Yojana, AIDS Control Society of Chhattisgarh state provides skill training programmes to Trans people in mixed batch. Because to bring them into mainstream is necessary.

Being a citizen of India transgender peoples are entitled to have all the rights which are available to other genders – Article 14 of constitution ensures equality to all person including third gender, but in reality they are not treated as equal to other sex (Baruah 2019). Supreme Court of India said "Transgenders are also citizens of India" and they must be provided equal opportunity to grow" (Pandey 2014). After the interference of Supreme Court this community got its identity as Third Gender. NALSA judgement of Supreme Court (2014), declared transgender to be a 'third gender', all the fundamental right will be equally applicable to them and gave them the right to self-identification to their gender as female, male or third gender. Through this judgement various rights such as right to own property, right to vote, marry and to "claim a formal equality would be made available to them (Baruah 2019).

The bill was introduced in Lok Sabha on 19 July 2019 by the minister for social justice and empowerment, Mr. Thawarchand Gehlot (The Hindu 2019). Almost all the provisions of Transgender person Bill 2019 are similar to the bill 2018, except few criticized provisions of the 2018 bill. Activists said there are only two positive inclusions in the bill – first removal of criminalization of begging and second, removal of medical screening committees (Singh 2019). This bill was passed in Lok Sabha on 5 August, 2019 and in Rajya Sabha on 26 November, 2019 (The Hindu 2019). But transgender representatives and activists call it "regressive" (Mallapur 2019) and transgender community called the day as 'Gender Justice Murder Day' and 'Black Day'. The whole community thinks that they are treated under the bill as sub- humans (Singh 2019).

#### **Role Models**

Apart from all the discrimination and violence they face in their life some transgenders are working in reputed places and some have emerged as a role model in front of us (Agoramoorthy and J. Hsu 2014). There are many examples of successful transgender people who broke the shackles to become the first ones in their area of interest (India Today 2018). On December 19, 2009 the first Miss India transgender pageant was held in Chennai city of Tamilnadu state. The Karina Shaline a model from Mumbai was selected for the crown (Agoramoorthy and T. Hsu 2014). The K. Prithika Yashini became India's first transgender sub-inspector of police in Chennai

(ndtv.co Nov. 6, 2015). In 2014, Padmini Prakash became India's first transgender anchor to host a talk show on TV (Qureshi 2014). The well-known Shabnam Mausi became India's first transgender to be elected as an MLA from Madhya Pradesh state (India TV October 25 2014). In 2017, Jyotiba Mondal appointed as first transgender civil court (Lok Adalat) judge (Majumdar 2017), Nitasha Biswas became first Miss Transqueen India and Anjali Ameer was the first transgender to play a female lead role in Indian Cinema. Sathyasri Sharmila became India's first transgender lawyer in 2018. It is a major step towards the inclusion of transgender community into mainstream society (business-standard.com July 2018). After discrimination of homosexuality by Supreme Court, Jiya Das became West Bengal's first women transgender operating theatre technician (yourstory.com).

### Conclusion

After carefully following the above finding, it is known that the existence of transgender is mentioned in every period from ancient texts to Mughal Empire and then colonial period to post independence India. After 1947, people got life of mobility and equality but transgender were left on the margins of society. Even in today's modern period there has been no significant change in their condition. Also the basic rights like education, health, employment- has never been raised seriously. Each one of us is unique and an integral part of this Universe. So, nobody can be discriminated on the basis of socially made stereotypes. Keeping in view the above findings it can be concluded that there is a need to safeguard the rights of transgender persons at individual, community and policy level.

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