

IDENTIFYING SOCIAL MARGINALISATION OF 'DIFFERENTLY GENDERED'

Dr. Saher Hussain

Associate Professor

Karamat Husain Muslim Girls' P.G. College

Nishatganj, Lucknow

Email: saherhussain36678@gmail.com

Abstract

Transgender community is an important part of our society, indeed even Law can't deny their existence. 'Transgenders' or differently gendered' are considered auspicious, and are called at home on special occasions to take their favour and blessings. Transgender people have always existed throughout the entire timeline of humanity. The lives of transgender individuals are complex and influenced by a multitude of factors, including race ethnicity not only gender identity and sexual orientation. The topic of transgender rights is more talked about than ever, with former U.S. President Trump's 'transgender military ban and the transgender bathroom bill' more and more people are becoming aware of this community. Looking at the strength of this community in the world in general and particularly in India, it is not easy to ignore their presence. It is seen that the 'third gender' is not adequately represented, although their existence is prominent in our country.

In this paper I will express my perspective on the issue of transgender in a developing nation like ours. It will also focus on some major problems faced by eunuchs and shall suggest measures to improve their position in society.

Keywords

Hijda, 'differently gendered', Gender, social-marginalization.

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Dr. Saher Hussain

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Introduction

Sex is what you are born with gender is what you recognize and sexuality is what you discover A. Chettiar

Traditional differentiation of human sex into female and male is merely founded on the biological pattern of their genitalia. In some cases there are individuals who cannot find a way into this custom and are contrary to the biological binary. These are the transgender people. Transgender are those people whose sexual orientation does not match with natural sex and differs from typical people. According to Indian Census 2011, there are around 4.9 lakh transgender in the country. Transgender is a parasol a parasol term that is used to describe a wide range of identities and behavior of sexually dissimilar people. It includes transsexual, male and female cross-dressers, regardless of sexual orientation, intersex etc. So the transgender community let into those people whose character and behavior don't indulgent to typical gender norms. Stereotyped as the mendicants who knock on the rolled-up windows of our cars at traffic signals or as entertainers in a local bar. These transgender persons live a life full of troubles (Mishra; 2016). In the word book the meaning of the prefix "trans" is "beyond", "across" or "over". In any case, "transgender" doesn't just not simply mean sexual orientation that crosses the auxiliary. Often, this term isn't expected to be understood by all. It is a wide term to describe all individuals who live a significant part of their lives showing an intrinsic feeling of sexual orientation that goes wide of the mark from the conjecture of their introduction to the birth sex. In Indian society, transgender is commonly known as Sixer, Hijda, Kinnar, eunuch, chakra (in slang language) and also third gender (the word given by the Supreme Court in the month of April 2014). In Indian society transgender/hijra is a symbol of fortune. They wear colorful saris, and ladies' ornaments, make over the face and behave like females. But transgenders spend their whole life without family support because their family disown them in their childhood itself and hand them over to other communities (transgender community) (Mishra & Singh, 2018).

Hence, the yearning to have a firm definition, set the platform for the NALSA (National Legal Service Authority) judgment which defined the term as "transgender is generally described as an umbrella term for persons whose gender identity, gender expression of behavior does not conform to their biological sex" (NALSA vs Union of India, 2014). Subsequently, it very well may be said that the term, transgender isn't simply restricted to people whose private parts are intermixed yet it is a wide-ranging term used to refer to people with characters that don't coexist with the severe double classifications of men and women and whose gender personality and articulation contrasts from the traditional standards expected from their birth sex.

1. Someone whose gender identity is between a transvestite identity and a transsexual identity.
2. An individual who chooses (regular or always) to live in the role that is supposed to belong to the opposite sex (transgender)

A renowned supreme court advocate Ms. Laxmi Narayan Tripathi says, a Hijda 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 who follows the rules and regulations of the community, has a guru lives in feminine attire, and may not be neutered.

While Sarene Nada sees transgender “neither as man nor woman.”

The above definition explains that, a transgender/hijra is that human being who has characteristics of both genders i.e., Male and Female. Masculine person is physically male and may be castrated or not whereas a feminine is physically female. A Transgender/Hijda body is that type of body in which the female mind is confined to the male body therefore transgender behaves like female.

The eunuch community is found all over India and a large number of them are spread for the most part around the Western and North Indian states and few of them are found in South Indian States, too. A large number of them reside in Western and North India because of the accessibility of livelihood. Livelihood is one of the main reasons for their migration from Southern states to other Indian states. Breach of human rights of third gender people has been widely recorded. The majority of the families rejects their child on the off chance that she/he acts in manners that are considered inverse to their biological sex. The parents do it based on several reasons like bringing disgrace to the family, ending of a generation if a female or male decides to marry a person of the same gender and different other reasons. They shift from villages and towns to larger cities to escape familial exclusion and deal with identity crises. They are forced to leave their families, dismissal from their family and property rights. Because of all this hijras seek to join in the hijra community. In an unpublished study report for the Master’s Program on “Culture and Health of Hijdas in India, Study of Marginalized Community in Pune and Mumbai” Pisal, H. (2006) writes that apart from socio, economic and political issues, hijras also face a lot of health problems like Acquired Immune Deficiency Virus/Sexually Transmitted Infections (AIDS/HIV/STI), obesity, blood pressure, diabetes, heart problem and urinary tract infection, alcohol and drug abuse. The report further highlights the lack of work done on the mental health of transgender people, their attitude and behavior patterns, coping mechanisms of dealing with anxiety and stress and how all these issues are largely not taken notice of. It is because of the old-fashioned

thought of the health care staff and counselors that hijras do not consult government doctors fearing provocation & bedevilment forcing the hijras to consult private doctors which becomes a monetary burden. While as hijdas in villages, prefer to visit hakims (traditional medical practitioners) or opt for self-medications for treatment (Toyeba & Aaliyah, 2019).

In the healthcare sector, third-gender people face several types of discrimination including the intentional use of male addressing to hijdas, admission to male wards, per section by hospital staff and co-patients, and, in some cases, refusal of medical services and care. Chakrapani & Venkatesan (2009) in their research “Sex Change Operation and Feminizing Procedures for Transgender Women in India : Current Scenario and Way Forward” discussed how castration (also called as nirvana) is the most important thing in the life of hijda. Male genitals are usually castrated by the members of the hijra community (older hijras, thaimma, drama or dai amma) and seldom by an unqualified person. Traditionally no anesthesia is given to the person undergoing castration. There are many health hazards attached to this unsafe and unhygienic castration, hijdas get prone to infection in the urinary and reproductive tract. It is believed that a hijra will be more beautiful if the castration is done in a traditional way by thaimma. There are even some hijras who have not had castration done. Castrated hijras get more respect than the non-castrated ones and within the castrated ones those who are traditionally castrated are highly respected as compared to the ones who got castrated otherwise.

The annual report of the United Nations Development Programme (2008) points out that hijras are booked under various Sections in Indian Penal Code like Section 268 and Section 290 (causing public nuisance), Section 294 (obscene acts and songs), Section 269 and Section 270 (likely to spread infection) and Section 7 and 8 of the Immoral Traffic (Prevention) Act of 1956. Most transgender people are unemployed and there are few who are skilled yet denied employment opportunities because of their sexual status (Toyeba & Aaliya; 2019). Media activities have helped some of the transgender people to come forward and become visible while most of them not only scuffle with their socio-economic problems but also their fundamental rights. Besides the Right to vote, right to marriage, right to own a ration card, child enactment, opening a bank account are some of the basic rights deprived of hijras. The hijras are denied admission to schools, colleges and universities because the sex assigned at birth on the birth certificate fails to match with their gender identity. they sometimes face physical and sexual violence from police and other anti-social elements as well. A lot of hijdas report forced sex, physical and verbal abuse, blackmailing, and a threat to life. Transgender people now have an option in a voter

identity card as others (Toyeba & Aaliyah,2019) As for how things are changing Hijdas have not only voted but contested elections also.

Problems Faced by Transgender Community

In our country, transgender persons confront several challenges. This discrimination not only denies them equitable access to important social commodities like jobs, health care, education and housing, but it also belittles them in society and places them among the endangered group of social exclusion.

People on the margins have little control over their lives and the resources available in society. The chances to contribute to society are restricted, leading to poor self-confidence and self-esteem finally resulting in isolation. They may have limited access to valuable social resources such as education and health services, housing, income leisure activities, and job because of social policies and practices against them.

Transgender 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 (Chatterjee, 2018)

This marginalization often excludes Transgender people from many support systems including their personal families, leaving them with little access to services others take them for granted, such as medical care, justice and legal services, and education. Moreover, lacking other means of support, many transgender youth are forced to turn to sex work to survive, which drives them further onto the margins of society and can expose them to a greatly elevated risk for diseases like HIV and other related problems. Hijras/transgender persons face huge discrimination in access to public spaces like restaurants, cinemas, shops, malls etc.

Transgender people fail to participate in social, cultural, political economic activities since the bulk of this community is undereducated. Educational Institutions avoid taking such admissions. According to Indian Census 2011, there are around 4.9 lakh transgender in the country. Census data also reveals that this community has low literacy levels, just 46 percent transgenders are literate, compared to a much higher literacy rate in the general population. The community comes under the category "disadvantage group" defined by the Right to Education Act (Indian Express 2014).

The absence of housing and resources that address the special requirements of transgender persons who are homeless is one of the major issues to be seen. They are living on the streets because they were expelled from their homes because they are not normal or because they left an offensive environment. There is no family accommodation in the shelter system for homeless same-sex couples in our country. Transgender people are not even allowed to choose the gender with whom they

want to live in shelters. Transgenders homeless people are frequently abused and harassed at shelters. Most domestic violence shelters do not give accommodation to gay males or transgender people. There has also been no systematic strategy for long-term housing for them. They lack financial assistance, and homeless transgenders youth are more likely to indulge in hazardous sexual behaviors, and develop mental health issues.

Transgender people face considerable denouncement, persecution and harassment in their daily lives. Some transgender people learn to cope with this, especially those whose family and friends support them and are active in transgender organizations and social networks.

Teenagers in the community can be particularly isolated, given that many will be exploring their sexual orientation or gender identity without any support. In rural areas it is often more difficult for Transgender people to be out in villages. Cities are more conducive to allowing Transgender people to select which areas of their life they wish to be out in and to whom they are not to e.g. work with friends, family, neighbors, with medical services and associative activities.

Mental illness is not a symptom of sexual orientation, but rather are symptoms of discrimination and fear of being discriminated against. As a result of and isolation, the transgender community experiences high rates of anxiety, mood swings and other mental illness.

In India, several cases have been reported of police brutality directed towards transgender individuals in the past. Many Police agencies have been accused of insensitivity, including failing to act adequately against violence directed at transgender persons. A study shows that the majority of hijras in Mumbai faced several health problems and also problems related to harassment, unlawful penalties, sexual abuse, violence and deprivation of human rights (Chatterjee:2018). They mainly named the police including the traffic and railway both malefactors of crime and abuse.

Affirmative actions are needed to wipe out the stigma and discrimination associated with the community. The following actions may help in improving access:

1. Awareness of gender diversity and the need to safeguard transgender youth from antagonistic educational environments is a chilling need of the hour. To help promote health and a safe environment schools can implement the following policies and practices :

Alternative schools should be established for transgender differently gendered and provision of free education from 1 to 12 standards. Scholarships

should be provided for Higher Education by Central and State Government initiatives. Identification of “safe spaces”, such as counselors’ mentors, offices, designated classrooms, or student organizations, where transgendered youth can receive support.

At the school level staff and authorities should be encouraged to develop and publicize training creating safe and supportive school environments for all students, regardless of sexual orientation or gender identity and make it mandatory for staff to attend these training courses.

2. The transgender community has a distinct culture of dancing, folk music, and arts, among other things. It offers the community immense strength and a sense of belonging. These cultural and artistic manifestations are indivisible components of the community and should be blended with livelihood activities to increase community participation. Efforts with adequate fund support should be made to serve as a link to employment opportunities.
3. A public awareness campaign is need of the hour.
4. Local government, policymakers, schools, and families need to have orientation programs to accept gender-variant children, and how to treat persons of various sexualities and gender identities equally. Human rights of differently gendered must be addressed in the media and other public forums to increase public knowledge and entitle transgender people to exercise their rights. The stigma attached to media Guardians should be informed about transgender children to help them to be comfortable. Parents and siblings should be aware of the possibility of their children being bullied or subjected to other forms of violence outside the homes, such as in the extended family, in schools, or on the playground.

All of us regardless of sexual orientation, or gender identity, are entitled to the protections afforded by International human rights law, including the right to life, security of person and privacy, the right to be free of torture, arbitrary arrest and detention, the right to be free of discrimination, and the right to freedom of expression, association and peaceful assembly.

The transgender community in India has faced a long history of social exclusion and marginalization. However in recent years there have been efforts in the direction of providing legal protection for the community, and increasing acceptance and understanding. While there is still a long way to go, it is encouraging to see progress being made toward ensuring the rights and protection of the transgender community in the country.

References

1. WHO. (2015). Transgender people and HIV; Geneva, Switzerland : WHO. (Google Scholar).
2. (2015). International Covenant on Civil and Political Rights (Internet) Office of the High Commissioner for Human Rights. 1976. Cited 12 Oct. Available from : <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.
3. (2015). Transforming our world : the 2030 Agenda for Sustainable Development : Sustainable Development Knowledge Platform (Internet) cited 13 Oct. Available from : <https://sustainabledevelopment.un.org/post0215/transformingourworld>.
4. (2015). Health Policy Project, Asia Pacific Transgender Network, United Nations Development Programme, Blueprint for the provision of comprehensive care for trans people and communities in Asia and the Pacific, Washington DC : Futures Group : Health Policy Project. (Google Scholar).
5. Baral, S., Beyrer, C., Poteat, T. (2011). Human Rights, the law and HIV among transgender people, working paper prepared for the third meeting of the Technical Advisory Group of the Global Commission on HIV and the Law. New York. 7-9 July. (Google Scholar).
6. (2015). “We fight more than we sleep” : shelter access by transgender individuals in Cape Town, South Africa (Internet) Gender Dynamix. Cited 13 Oct. Available from. <http://www.genderdynamix.org.za/documents/we-fight-more-than-we-sleep-shelter-access-by-transgender-individuals-in-cape-town-south-africa/>.
7. (2015). Housing and shelter. Transgender Legal Defense & Education Fund (Internet). cited 13 Oct. Available from. <http://www.transgenderlegal.org/workshow.php?id=5>.