



TRANSGENDER STUDIES

ASHIF AHAMED. A

II – BA PUBLIC ADMINISTRATION (2020-2023)

**Government arts college (Autonomous),
Coimbatore – 641018.**

TRANSGENDER STUDIES

AUTHOR :A. Ashif Ahamed

INSTITUTION: Government Arts college (Autonomous) , Coimbatore – 641018
PROGRAMME OF STUDY: II-BA Public Administration

ABSTRACT:

Can we categories people only as 'male' or 'female'? We live in a society which is deeply structured by gender. 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. In India there exist a host of socio – cultural groups of transgender people like hijras, and other transgender identities like – Aradhis, Sakhi, jogtas, jogappas, 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. Low literacy rate and social exclusion further limits the employment and livelihood opportunities for transgender community. 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. Transgender people are more likely to experience intolerance, discrimination, harassment, and the threat of violence due to their sexual orientation, than those that identify themselves as heterosexual. Prostitution is one of the major main source of income for transgenders in their regular life , even the prostitution is legal In India now a days but it will not create the healthy society . Even there are women in prostitution but they are in the every low percentage of less than 5% in the total percentage of population . But in the case of transgender there are more than 90% of them were sex workers , Because this society and the government not allotting the jobs for the transgender , if we want to createprostitution free environment then we all want consider them as the common human begins , And the government wants to come forward for the transgenders to give equal reservationas like women in the government jobs in all sectors.

Highlighting some major problems faced by Transgender Community in India and to make the society aware about the problems of transgender community and also to provide suggestions to improve their status is the theme of this study.

KEY WORDS: Transgender, Social Exclusion and Discrimination, Transphobia , welfare scheme , revolution.

INTRODUCTION:

Can we categories people only as 'male' or 'female'? We live in a society which is deeply structured by gender. 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. In India there exist a host of socio – cultural groups of transgender people like hijras, and other transgender identities like – Aradhis, Sakhi, jogtas, jogappas, 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 transgenders. The Transgender community is often ridiculed and abused in public places such as railway stations, bus stands, schools, workplaces, malls, theatres, hospitals, etc. It is also side lined and treated as untouchables. As a result, the community perceives that it has been excluded from actively participating in social, 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.

OBJECTIVE OF THE STUDY :

1. To suggest inclusive measures to improve their status.
2. Highlighting some major problems faced by Transgender Community and making the society aware of their problems in India.
3. Importance of equality between all the genders.
4. And giving solution to recover them from the prostitution.

METHODOLOGY:

The present study work has been done with the help of secondary data collected from articles, publications and websites.

STUDY AREA:

Transgender in India: Gender variance in India has ancient, even prehistoric, roots. TG Community encompasses of Hijras, eunuchs, Kothis, Aravanis, Jogappas, Shiv-Shakthis etc. The Hijra communities in India have a record history of more than 4000 years. Hijras belonged to the 'Eunuch' culture that was common across the Middle East and India, where Eunuchs worked as guards, advisers, and entertainers. Hijras trace their origin to the myths in the ancient Hindu Scriptures of the Ramayana and

Mahabharata. The Concept of napunsaka has also been an fundamental part of vedic literatures. Jain literature also mentions a detailed reference of TG and the concept of 'psychological sex'. Hijras also played a prominent role in the royal courts of the Islamic world, especially in the Ottaman empires and the Mughal rule in the Medieval India. Historically, Hijras/transgenders had played a noticeable role, with the beginning of colonial rule from the 18th century onwards, the situation had changed significantly. During the British rule, Criminal Tribes Act, 1871, which deemed the entire community of Hijras persons as innately 'criminal' and 'addicted to the systematic commission of non-bailable offences' had passed. After Independence, the law was repealed in 1949, but mistrust of the transgender community has continued. This has provided the transgender the margin without any serious effort to mainstream. In a judgement in 2014, the Supreme Court perceived that "The transgender community, generally known as "Hijras" in this country, are a section of Indian citizens who are treated by the society as "unnatural and generally as objects of ridicule and even fear on account of superstition". Moreover, every person must have the right to decide their gender expression and identity, including transsexuals, transgenders, hijras. They should have right to express freely their gender identity and be considered as a third sex." Hence, today the transgender people in India are known as Third Gender. Hijras exist all over India. Indian Census has never recognized third gender i.e. Transgender while collecting census data for years. But in 2011, data of Transgender were collected with details related to their employment, Literacy and Caste. In India, total population of transgender is around 4.88 Lakh as per 2011 census. Because of they have an active social organization of both traditional and ritualistic, Hijras are unique. They earn a living by prostitution or by performing a traditional ceremony such as naming ceremony. This is a baptizing ceremony with music, singing, and dancing performed at the home of the new infant. It should be noted, however, that this ceremony is not wholly accepted by everyone. The Union Cabinet approved the Transgender Persons (Protection of Rights) Bill 2016 for introduction in Parliament, and this Bill is expected to bring social, educational and economic empowerment to the transgender community. This Bill to a community that has been disliked and discriminated against for so long could mean a chance to live a life of dignity and equality. Despite this supposedly sanctioned place in Indian culture, transgender 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. The perpetrators of violence and discrimination against transgender include their own parents and siblings, friends, neighbours, their community members, school and college authorities, employers, house owners, health service providers, police, clients and many others because of their effeminate behaviour, physical appearance, trans status, real or perceived association with sex work, real or perceived HIV status, dress code, and so on.

Problems Faced by Transgender Community:

Transgender people in India face a variety of issues. This discrimination not only denies TG people equal access to key social goods, such as employment, health care, education and housing, but it also marginalizes them in society and makes them one of the weaker sections who are at risk of becoming socially excluded. Here the researcher is highlighting some major problems faced by TG people in India:

1. Poor Economic Conditions and Discrimination in the Workplace:

Low literacy rate 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 Exclusion from Family and Society, Stigma and Discrimination at work place, Lack of knowledge and training in vocational skill development, Lack of opportunities and 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.. This leaves many MTF transgender people, especially those from working class backgrounds, with no alternative but begging and sex work. Both MTF and FTM transgender individuals also have to contend with sexual harassment in the workplace, across both formal and informal sectors.

2. 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. Transgenders 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. There has been also a lack of any comprehensive plan for long term housing for people with AIDS. Homeless Transgender youth are without economic support, often engage in drug use and risky sexual behaviours, 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.

3. Problems of Transphobia:

Transgender people are more likely to experience intolerance, discrimination, harassment, and the threat of violence due to their sexual orientation, than those that identify themselves as heterosexual. This is due to transphobia. Some of the factors that may reinforce transphobia on a larger scale are moral, religious, and political beliefs of a dominant group. Living in a transphobic environment forces many TG people to conceal their sexuality, for fear of the negative reactions and consequences of coming out. Transphobia manifests itself in different forms, for example physical attacks, discrimination in the workplace and negative media representation. Transphobic individuals play an effective role in

inferring with the lives of TG individuals. They cannot suppress their feelings of hatred and the fact that they cannot accept TG individuals. Thus, they harass TG individuals verbally or physically and expose them to violence. Such attitudes direct TG individuals to stress, dissatisfaction of the place they live in, exposure to physical disturbance, loneliness and ostracism.

4. **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. According to Indian Census 2011, the population of transgender is around 4.9 lakh in the country. Census data also reveals that this community has low literacy rate, just 46 percent transgenders are literate, compared to 74 percent literacy in the general population. The community recognized as “disadvantage group” defined by the Right to Education Act (Indian Express, 2014). It means these kids will be eligible for 25 percent reservation under the economically weaker section for admission. There are many factors responsible for the low level of education of this community but main reasons are exclusion from family/society, poverty, social stigma and discrimination, insensitive attitude of teachers/staff, violence and sexual abuse.

ECONOMICFACTORS OF TRANSGENDER:

1. 96% of transgender are refused denied jobs and are forced to take paying or undignified works for livelihood like badhais, sex work and begging.
2. 89% of transgenders said there are no jobs for even qualified ones.
3. 50% - 60% of transgenders have never attended schools and those who did face severe discrimination. NHRC says 52% transgender were harassed by their classmates and 15% by even teachers, a reason due to which they don't continued studies.
4. Only 6% of transgenders are employed in private sector or NGOs.
5. 23% are compelled to engage in sex work which has high health related risks.

EQUALITY BETWEEN ALL THE THREE GENDERS:

As we all are the human beings, we have the knowledge to understand the biological changes in hormones of the human body. Transgender are not an aliens they are all also a human beings they also have their own rights and equality in the society. In no place they were treated as the human beings. We all are responsible for transgender, as a human beings we should very passionate about transgender rights and educating people on who they are. We see every day; it hurts to see hateful attacks against the TRANSGENDER community in the media, often generated by those who have never met a transgender person in their life. BATHROOM DEBATE is a topic where there is a lot anxiety surrounding this topic, for most of us using a public bathroom is pretty straightforward .However for the transgender community, that isn't always the case, But now a days the government has taken the BATHROOM DEBATE as a serious matter then orders the municipal corporations to build a separate Toilets for the transgender in the public places. And we have the separate quota for the male and female for the educations and for the jobs/work but we don't have such kind of quota are allotments in the past years but now a days the government initiated to give a separate allotments and quotas for the transgender, If the government takes the steps seriously like this matters definitely we can bring the equality between all the three genders.

SOLUTIONS TO RECOVER TRANSGENDER FROM PROSTITUTION:

Prostitution is one of the major main source of income for transgender in their regular life , even the prostitution is legal In India now a days but it will not create the healthy society . Even there are women in prostitution but they are in the every low percentage of less than 5% in the total percentage of population. But in the case of transgender there are more than 90% of them were sex workers, Because this society and the government not allotting the jobs for the transgender , if we want to create prostitution free environment then we all want consider them as the common human beings. And the government wants to come forward for the transgender to give equal reservation as like women in the government jobs in all sectors. According to some studies , the proportion of transgender people who sell sex is as 90% in India whereas in countries like Malaysia (84%) , Indonesia (81%) follows. It shows that the work opportunity in India is lower than the other countries.

THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019 ACT NO. 40 OF 2019 :

Act of parliament to protect their rights, welfare and other things . It was introduced in Lok Sabha (lower house) on 19th July 2019 by minister of social justice and empowerment – THANVAR CHAND GEHLOT. It was preceded in 2016,18 it met protest and criticism by transgender, lawyers, and social activists . This bill was sent to studying committee in 2016 , and the report was submitted on July 2017 . And finally the bill was passed at Lok & Rajya Sabha on AUG-2019.

1. **Obligation of educational institutions to provide inclusive education to transgender persons.**—Every educational institution funded or recognised by the appropriate Government shall provide inclusive education and opportunities for sports, recreation and leisure activities to transgender persons without discrimination on an equal basis with others.
2. **Vocational training and self-employment.**—The appropriate Government shall formulate welfare schemes and programmes to facilitate and support livelihood for transgender persons including their vocational training and self-employment.

- 3. Healthcare facilities.**—The appropriate Government shall take the following measures in relation to transgender persons, namely:—
- (a) to set up separate human immunodeficiency virus Sero-surveillance Centres to conduct serosurveillance for such persons in accordance with the guidelines issued by the National AIDS Control Organisation in this behalf.
 - (b) to provide for medical care facility including sex reassignment surgery and hormonal therapy.
 - (c) before and after sex reassignment surgery and hormonal therapy counselling.
 - (d) bring out a Health Manual related to sex reassignment surgery in accordance with the World Profession Association for Transgender Health guidelines.
 - (e) review of medical curriculum and research for doctors to address their specific health issues
 - (f) to facilitate access to transgender persons in hospitals and other healthcare institutions and centres.
 - (g) provision for coverage of medical expenses by a comprehensive insurance scheme for Sex Reassignment Surgery, hormonal therapy, laser therapy or any other health issues of transgender persons.
- 4. Right of residence.**—
1. No child shall be separated from parents or immediate family on the ground of being a transgender, except on an order of a competent court, in the interest of such child.
 2. Every transgender person shall have—
 - (a) a right to reside in the household where parent or immediate family members reside;
 - (b) a right not to be excluded from such household or any part thereof; and
 - (c) a right to enjoy and use the facilities of such household in a non-discriminatory manner.
 - (3) Where any parent or a member of his immediate family is unable to take care of a transgender, the competent court shall by an order direct such person to be placed in rehabilitation centre.
- 5. Obligation of appropriate Government.**—(1) The appropriate Government shall take steps to secure full and effective participation of transgender persons and their inclusion in society. (2) The appropriate Government shall take such welfare measures as may be prescribed to protect the rights and interests of transgender persons, and facilitate their access to welfare schemes framed by that Government. (3) The appropriate Government shall formulate welfare schemes and programmes which are transgender sensitive, non-stigmatising and non-discriminatory. (4) The appropriate Government shall take steps for the rescue, protection and rehabilitation of transgender persons to address the needs of such persons. (5) The appropriate Government shall take appropriate measures to promote and protect the right of transgender persons to participate in cultural and recreational activities.

WELFARE SCHEME FOR TRANSGENDER COMMUNITY IN INDIA : SOME OF THE MAIN SCHEMES :

Union Minister for Social Justice and Empowerment Virendra Kumar launched the Central sector scheme 'SMILE: Support for Marginalised Individuals for Livelihood and Enterprise' aimed to provide welfare and rehabilitation to the transgender community and the people engaged in the act of begging.

The umbrella scheme is designed by the Department of Social Justice and Empowerment.

"As a progressive and developing society, it is our duty to respect the identity and dignity of all sections of society. The Ministry has ensured that each and every need of transgender community and persons engaged in the act of begging are taken care of in most professional way," the Union Minister said.

"The provision of national portal and helpline will provide necessary information and solutions to the problems of the transgender community and the people engaged in the act of begging," he added.

The two sub-schemes of SMILE - 'Central Sector Scheme for Comprehensive Rehabilitation for Welfare of Transgender Persons' and 'Central Sector Scheme for Comprehensive Rehabilitation of Engaged in the Act of Begging' - provide comprehensive welfare and rehabilitation measures to the Transgender community and the people engaged in the act of begging.

The Ministry has allocated Rs 365 crore for the scheme from 2021-22 to 2025-26 for the social security that is needed through multiple dimensions of identity, medical care, education, occupational opportunities and shelter, a statement from the Ministry said.

The sub-scheme - 'Central Sector Scheme for Comprehensive Rehabilitation for Welfare of Transgender Persons'- includes various components such as scholarships for transgender students studying in IX and till post-graduation. It also has provisions for Skill Development and Livelihood under the PM-DAKSH scheme.

Through Composite Medical Health, it provides a comprehensive package in convergence with PM-JAY supporting Gender-Reaffirmation surgeries through selected hospitals.

Similarly, the Housing facility in the form of 'Garima Grih' ensures food, clothing, recreational facilities, skill development opportunities, recreational activities, and medical support to the transgender community and the people engaged in the act of begging.

The provision of Transgender Protection Cell in each state will monitor cases of offences and to ensure timely registration, investigation, and prosecution of offences. The National Portal and Helpline will provide necessary information and solutions to the transgender community and the people engaged in the act of begging when needed.

Meanwhile the sub-scheme - 'Comprehensive Rehabilitation of persons engaged in the act of Begging' - will focus on survey and identification, mobilisation, rescue/ shelter home and comprehensive resettlement.

CONCLUSION:

Despite a pre-colonial heritage that recognized and celebrated gender diversity in temple sculptures, mythology and religious treatises, it could be concluded that transgender people in India, today, face intolerance, stigma, discrimination and violence. Human rights violations against transgender people infuse 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.

At the end it can be said that, protecting TG people from violence and discrimination does not require the creation of a new set of TG -specific rights, nor the establishment of new international human rights standards. The legal obligations of States to safeguard the human rights of TG people are well established in international human rights law on the basis of the Universal Declaration of Human Rights and subsequently agreed international human rights treaties. LGBTQAI people are entitled to enjoy the protections provided for by international human rights law, as rights to life, security of person and privacy, the right to be free from torture, arbitrary arrest and detention, the right to be free from discrimination and the right to freedom of expression, association and peaceful assembly.

HENCE, $x + = +$

THEN, $x + x + = +$

Then prove, **LHS = RHS**

+(male) X+(female) X +(TG) = +(gender equality) , HENCE PROVED

REFERENCES:

1. India today newswebsite – www.indiatoday.in
2. Schemes – National portal of india – www.india.gov.in
3. Goel Vinod (2012); Role of Sexuality in Sociology; Cyber Tech Publications, New Delhi.
4. Monro Surya (2005); Gender Politics; Pluto Press; London.
5. Mukherjee Sudeshna (Number 3, 2014); The Curious Case of Shanthi: The Issue of Transgender in Indian Sports; Rupkatha Journal; Volume VI, Retrieved from www.rupkatha.com on 20th January, 2017.
6. PUCL-K (2003); Human Rights Violations against the Transgender Community: A Study of Kothi and Hijra Sex Worker in Bangalore; People's Union for Civil Liberties, Karnataka.
7. Athreye Viji (November 27, 2015); The Life of Transgenders in India; Retrieved on 20th January, 2017 from <http://www.mapsofindia.com/my-india/government/the-life-oftransgenders>.
8. From Census 2011 India; Transgender in India; Retrieved on 21st January, 2017 from <http://www.census2011.co.in/transgender.php>
9. Dr Rajkumar (November; 2016); Education of Transgenders in India: Status and Challenges ;International Journal of Research in Economics and Social Sciences; Vol. 6 Issue 11