

# Social Exclusion of Transgender: Problems and Prospects

## Abstract

“Two sexes are not necessary, natural consequences of corporeal difference nor, for that matter, is one sex”.

**Thomas Lanqueur**

Transgender Individuals in India are broadly called Hijras, Kinnars and Aravannies in different parts of the Country. Transgender is a general term applied to a variety of individuals, behaviors and groups who tend to diverge from the normative gender roles. The term transgender itself is the symbolic representation of crossing boundaries, and it has been derived from two different languages the latin word 'Trans' and the English word 'gender'. There are preconceived notion, that Hijara are neither male or female. Hijaras are mostly people who are born with male physiology, adopt feminine gender identity, women's clothing and other feminine gender role.

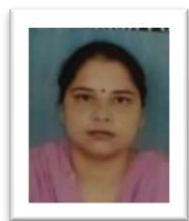
**Keywords:** Transgender, Social, Economical Educational Problems.

## Introduction

Transgender persons are one such group of people who have been marginalized, abused and callously neglected community in almost every known society. The term- transgender is generally used to describe those who transgress social gender norms Transgender is often used as an umbrella terms 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]

Gender is the fundamental aspects of human identity. It is deeply rooted element of 'how we see ourselves and how others see us'. Transgender is a term used to describe whose identity or appearance differs from stereotypical expectations of how men and women should look or act. It also includes a much larger group of people who don't necessarily undergo medical treatment, but who don't conform to the idea men have to be stereotypically 'masculine' and women have to be stereotypically 'Feminine'. In other words a transgender is a person whose gender identity or gender expressions differ from that associated with his or her birth sex. Most parents feel confused, angry, self-doubting, and deeply worried when they learn about their child's cross-dressing or gender identity issues. These feelings are frequently exacerbated by the parents' belief that there is no place to turn for help. So transgender people face grave misunderstanding, prejudice and social injustice on a daily basis on their gender role. The transgender are not recognized as distinct and equal subset of humanity and hence they face a lot of human rights issues also. At family level as well as society level the practice of discrimination has been taking place, the majority of the parents are not willing to reveal about their transgender kids in the public, not only the parents but also siblings, and relatives. Many transgender youth leave their home because of the stress in the family environment or because they are thrown out by homophobic parents. Many foster homes will not accept openly transgender youth because of homophobia and fear of predation on other children in the home. The transgender people they themselves didn't disclose their inner personality.

According to Schneider (1997), gay youth are two to three times more likely than their heterosexual classmates to attempt suicide, be kicked out of home or run away, drop out of school, abuse drugs and alcohol. These students are effecting bullying, molestation, sexual abuse, ragging etc. in the study environment and from society. At the time when young people develop their identity and learn to explore themselves socially, discrimination and marginalization can damage their self esteem and



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confidence. The discrimination leads to bullying, exclusion and stigmatization has a negative impact on LGBT's mental health and it increases the risk of inferiority complex, depression, self-harm and suicide. Anxiety related to fear of discrimination or bullying can also lead young people to hide their true self and to considering the coming out processes as a luxury with potentially dangerous consequence. There are different terminologies based and used in different regions and communities.

#### **Kinnars**

This regional variation of transgenders are found and used in Delhi and the north and some parts of Maharashtra.

#### **Aravani**

This regional variation of transgender used in Tamilnadu.

#### **Kothi**

The person who is biologically male shows varying degrees of 'femininity'.

#### **Shiv-Shakti**

The males who are possessed by or particularly close to a goddess and who have feminine gender expressions. Typically located in Andhrapradesh.

#### **Jogtas/Jogappas**

Jogtas or Jogappas are those persons who are dedicated to and serve as a servant of Goddess Renuka Devi whose temples are present in Maharashtra and Karnataka.

Broadly speaking the concept of transgender are extensive in its address, denoting the identity crisis and diversity of practices embodied between or beyond the categories of male and female.

#### **History of Transgenders**

Every society comprises individuals who do not fit into the culture's dominant sex/gender categories persons born inter sexed (hermaphrodites), those who exhibit behavior or desires deemed appropriate for the "opposite" sex/gender or those who, while conforming outwardly to culturally normative gender roles, experience themselves in conflict— with these roles in some fundamental ways. Historically, transgender communities have attempted to appropriate rituals, folklore and legends in order to obtain a sense of self-validation and carve out niche for themselves in the traditional social structures. In various cultures, transgender were seen as having special powers due to their assumed 'third sex' dimension, and were allowed to take part in semi-religious ceremonies. Often they were tolerated and allowed to live in the role of the other sex to pursue their occupations (including that of sex work), cross-dress, and display other forms of transgender behavior. Nevertheless they were often community practices, and even traded as slaves. Beginning of times and the existence of mankind, transgender have been very much a part of the society. It is just they have been given a name and a status in the society in recent times. They have more than 4,000 years of history India has history of people with a wide long of transgender related identities, cultures, and experiences. In Mughal period the transgender were in high position and they were

political advisor and administered in empire. In British era the transgender were benefited by the provision of land and rights of food. After the periods, they were facing so many inequalities, marginalization. After Independence, the law was repeated in 1949, but mistrust of the transgender community has continued. Even today, they remain socially excluded, living on the fringes of society, in ghettoized communities, harassed by the police and abused by the public. Most make a living by singing and dancing at wedding or to celebrate child birth, many have moved to begging and prostitution. In contemporary period the government of India implemented new policy and schemes for the social protection and welfare schemes of transgender community. In India, transgender people include Hijras/Kinnars, Shiv-Shaktis, jogappas, sakti, jogtas, Aradhis etc. In fact, there are many who do not belong to any of the groups but are transgender persons individually. Transgender fall under the LGBT groups (Lesbian, gay, bisexual and transgender) they constitute the marginalized section of the society in India, and thus face legal, social as well as economic difficulties. In 2003, the Hon'ble High Court of Madhya Pradesh upheld the order of an Election Tribunal which nullified the election of a Hijra, Kamla Jaan, to the post Mayor of Kotni, on the ground, that it was a seat reserved for women and that Kamala Jaan, being a 'male' was not entitled to contest the seat. It is submitted that all the citizens of India have a right to vote and to contest elections. But in the electoral rolls only two categories of the sex are mentioned male and female. This is unfair to the third sex of India as they are deprived of their statutory right to vote and contest election.

In 2009, India's Election Commission took a first step by following transgender to choose their gender as 'other' on ballot paper. But India is not the first country to recognize a third gender.

The spirit of the constitution is to provide equal opportunity to every citizen to grow and attain their potential, irrespective of caste, religion or gender. In a landmark judgment in April 2014, the Supreme Court of India observed that, "The transgender community, generally known as 'Hijras' 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". In its judgment, the Supreme Court passed the ruling that "In view of the constitutional guarantee, the transgender community is entitled to basic rights i.e. Right to Personal Liberty, dignity, Freedom of expression, Right to Education and Empowerment, Right Against violence, Discrimination and Exploitation and Right to Work- Moreover, every person must have the right to decide his/her gender expression and identity, including transsexuals, transgender, hijras and should have right to freely express their gender identity and be considered as a third sex" Thus, today the transgender people in India are considered to be the Third Gender.

According to 2011 census, 4,87,803 lakh have been classified as transgender out of which 54854 is below 6 yrs (Census, 2011). This has come as a big

surprise to the community as they did not expect so many parents to identify their children as belonging to the third gender. During the voter registration process only 28,341 people registered as belonging to the third gender, said Kalki Subramaniam, transgender rights activist and founder of Sahodari foundation. Anjali Gopalan of Naz Foundation said that even the current figure of 4.9 Lakh was on the lower side as it was unlikely that the number of people declaring themselves as transgender would ever give an accurate figure (Time of India May 30, 2014). In India over 66% of the population indentified as Transgender lived in rural areas, very close to the 69% of the overall population that live in villages. The census data also revealed the low literacy level in the community, just 46% compared to 74% literacy in the general population. The highest proportion of the transgender population, about 28% was identified in Uttar Pradesh followed by 9% in Andhra Pradesh, 8% each in Maharashtra and Bihar, over 6% in both Madhya Pradesh and West Bengal and well over 4% in Tamil Nadu, Karnataka and Odisha, Rajasthan accounted for over 3% of the total transgender population and Punjab for 2%. The proportion of those working in the transgender community is also low (38%) compared to 46% in the general Population. Only 65% of the total working population is main workers-those who find work for more than six months in the year compared to 75% in the general population.

#### **Review of Literature**

Many Researches has been enormously carried out on this area of study all around the globe stressing on the unique character of Hijras identity and their struggle towards equality. Freedom of speech and expressions revolving around their socio economics life with references to multiple dimension of exclusion within Indian context. Different scholars has attempted to define and explain the nature of problem in their own field. One of the most outstanding literature on Hijras is 'Neither man nor women' The Hijras of India by Nanda Saxena highlighting the roles of Hijras in association with mother goddess so as to embrace feminism in attaining a special and spiritual figure within the society. In addition it also provides us a deep understanding of who they are and how they wish to identify themselves, giving a clear conception about difference between Trans-man and Trans-women. (Nanda,1990).

UNDP (2010) studied the problems of transgender women communities in India and stated that transgender people faced various forms of oppression and health related hazards like sexual health, Mental health etc. The report suggested and adoption of social exclusion frame work would find solutions to multiple forms of oppressions faced by the Hijras. Adapting the Social Exclusion, Framework to Hijras/TG women, one can understand how TG communities have been excluded from effectively participating in social and cultural life; economy; and politics and decision making processes.

Saxena (2011) has investigated the various aspects of eunuchs raging from social, political,

religious, physiological and psychological to the death of eunuch. The study also explored the history of gender misfits, outlines the issues facing them in various countries and cultures, in an effort to gain a better understanding of the often insurmountable problems faced by such people. A turning point in eunuch's life comes around the time of puberty, i.e. between 8-14 years of age when this child suffers from malfunctional hamonal development and consequently, cannot grow up to be either male or female, both mentally and physically. For most of them, the combined stress of abnormal physical and sexual development is so great that they run away from home, in an attempt to hide their disapproved behavior and in a quest to discover the answer for themselves. It is then that they are often pushed into the murky corridors of a parallel existence, where the members of the community lead a shadowy way of life. Years of enforced guilt and isolation has taught eunuchs to remain hidden, hoping that one does not discover their 'secret'. Little is known about them, even lesser about their community, adopted families, lifestyles and rituals or even their death. Even though they are acknowledged in Hindu, Muslim as well as other ancient cultures and have existed in most of South Asia with their own local identities, customs and rituals. They dress as women, they live and function as women, most of them consider themselves women but are male in the eye of the law. The indifference and discrimination of the general public as well as their so called 'democratically elected' governments has reduced them to a life of penury, scratching out an existence by begging, prostitution or even crime on occasion. Author noted we accept and sympathize with the deaf, dumb and lame but not with the gender deprived, who do not even have family, which is the unit of love, care and affection and is most needed for human life.

Guevara, L.A. in the report- "The Hidden Epidemic: Transgender women in the Latin America and Asia" tries to draw our attention towards the vulnerability of transsexual women to HIV. According to UNAIDS, AIDS Epidemic update, 2007 the prevalence rate HIV for transsexual women in India is 42%. The multicenter study from same year in Argentina puts the transgender prevalence rate of HIV at 35%. The report further adds the statistical report regarding HIV and AIDS prevalence in transsexual women and puts various recommendation for strengthening organization of transsexuals to divulge their problems.

Bund (2013) has explored the problem of transgender women of district Srinagar (J&K) it is due to the discrimination they face at every stage of life, that they don't have the confidence to take part in the social and political decision making vis-a-vis suggested some recommendation to address these problems. The scholar explored transgender women face harassment from various sections of society ranging from parents, teachers, peers, to society further more it includes each sphere of their lives. The non conformity, to their prescribed gender roles makes them vulnerable and often leads to verbal and corporeal abuse within and outside the family

including their parents, siblings, schools and other educational institutions which almost certainly force them to leave studies order to avoid the mocking and harassment which leads to the mental trauma. The nature of the harassment includes verbal, physical, and sexual abuse which has serious impact on the mental health as well. The mental health issues includes Post Traumatic Stress Disorder (PTSD), Obsessive Compulsive Disorder (OCD), Major Depressive Episode (MDE), suicidal tendencies and panic disorders. Keeping in view the above issues and concerns the scholar noted it is need of the hour to intervene at individual, community and policy level to safeguard the rights at transgender.

Nallasekaran (2013) assesses the struggle of transgender for acceptance in general society individuals transform into transgender because of faulty pairing of chromosome in the body that determines the sex of the individual. So being a transgender is not an individuals fault. They are being denied in every aspect of life be it family, education, politics, health, work, human rights etc. They are thrown out to the margins of society. The problem of acceptance has to been addressed from the micro level, starting from the family first in order to be accepted by the society at large besides man level awareness, reservations in education and employment, representation in Parliament, inclusion in academic curriculum are the need of the hour for inclusive growth of transgender community.

Atheequ and Nishanthi (2016) highlighted innumerable issues are associated with the gender identity of transgender community such as dissemination, persistence of stigma, lack of educational facilities, unemployment, lack of shelter, lack of medical facilities like HIV care and hygiene, depression, hormone pill abuse, tobacco and alcohol abuse and problems relating to marriage, property electoral rights, adoption, alienation from family and society, insecure life, forced sex work and begging. Social stigma includes being disempowered due to the labeling and negative generalized attitude towards such members who are forced to work as sex workers or sex solicitors. They have also been unable to secure government service such as food subsidies, education, employment and health.

#### **Social Status of Transgenders Issues and Problems**

Transgender claim that mainstream society does not understand their culture, gender and sexuality violations of their human and sexual rights have been over looked in the traditional dogma. And unchecked negative attitudes towards transgender persons may result in trans-phobia as well as discriminatory treatment of transgender individuals. In our country there is a bias against transgenders and a fair amount of ignorance. The common man in India is exposed more to transgender. There is a lot of prejudice against transgender in our society and they face a huge amount of discrimination and are after forced to be. These people have been part of the broader culture and treated with great respect, at least in the past, although an estimated 10 lakhs population in India has bear more often socially ostracized. The

issues, faced by transgenders are discrimination, lack of educational facilities, unemployment, lack of shelter, lack of medical facilities like HIV care and hygiene, depression, hormone pill abuse, tobacco and alcohol abuse and problem relating to marriage, property, electrical rights, adoption.

#### **Social Problems of Transgenders**

Exclusion from family and society in general, Indians tolerate, accept and respect a wide range of differences in cultures, religions, languages and customs. Despite Indian society's general climate of acceptance and tolerance, There appears to be limited public knowledge and understanding of same sex sexual orientation and people whose gender identity and expression are incongruent with their biological sex. Most family do not accept if their male child starts behaving in ways that are considered feminine or inappropriate to be expected gender role consequently, family members may threaten scold or ever assault their son/sibling from behaving or dressing up like a girl or women. Some parents may out right disown and evict their own child for crossing the prescribed gender norms of the society and for not fulfilling the role expected from a male child. Parents may provide several reasons for doing so; bringing disgrace and shame to the family; Perceived inability on the part of their child to take care of the family. Thus, later transgender women may find it difficult even to claim their share of the property or inherit what would be law-fully their. Sometimes the child or teenager may decide to run away from family not able to tolerate the discrimination or not wanting to bring shame to one's family.

Society, ridicule gender variant people for being different and they may even be hostile. Even from police, they face physical and verbal abuse, forced sex, extortion of money and materials, and arrests on false allegations. Absence of protection from police means ruffians find transgender people as easy targets for extorting money and as sexual objects. A 2007 study documented that in the past one year, the percentage of those MSM and Hijaras who reported: forced sex is 46%, physical abuse is 44%, verbal abuse is 56% blackmail for money is 31% and threat to life is 24%.

Transgender face discrimination even in the healthcare settings. TG people face unique barriers when accessing public or private health services. Barriers in accessing HIV testing, anti-retroviral treatment and sexual health services have been well documented. Problem reported by transgender communities in the healthcare settings include: deliberate use of male pronouns in addressing Hijaras, registering them as 'males' and admitting them in male queue, verbal harassment by the hospital staff and patients, and lack of health care providers who are sensitive to and trained on providing treatment/care to transgender people and even denial of medical services. Discrimination could be due to transgender status, sex work status or HIV status or a combination of these.

(UNDP 2010)

**Political Problems of Transgender**

Legal, civil and political rights in 1871, the British enacted the Criminal Tribes Act, 1871, under which contain tribes and communities were considered to be "addicted to the systematic communication and non-bailable offences." These communities and tribes were perceived to be criminals by birth, with criminality being passed on from generation to generation. In 1897, the Criminal Tribes Act of 1871 was amended and under the provisions of this status, "a eunuch (was) deemed to include all members of the male sex who admit themselves or on medical inspection clearly appear, to be impotent". The local government was required to keep a register of the names and residences of all the eunuchs who are "reasonably suspected of kidnapping or castrating children or of committing offences under section 377 of the Indian Penal Code. In addition "any eunuch so registered who appear dressed or ornamented like a woman in a public street or who dances or plays music or takes part in any public exhibition, in a public street could be arrested without warrant and Hijras were also reportedly harassed by police by threatening to file a criminal case under sec. 377 IPC (UNDP 2010)

In July 2009, the Delhi High Court ruled that consensual same-sex relations between adults in private cannot be criminalized soon after that judgment-appeals in the Indian Supreme Court objecting to the ruling were lodged, the Indian government has yet to submit a formal response. Legal issues can be complex for people who change sex, as well as for those who are gender variant. Legal issues include: Legal recognition of their gender identity, same sex marriage, child adoption, inheritance, wills and trusts, immigration status employment discrimination and access to public and private health benefits. Especially, getting legal recognition of gender identity as a woman or transgender woman is a complicated process lack of legal recognition has important consequences in getting government ration, shop card, passport, and bank account. Transgender now have the option to vote as a woman or 'other' However the legal validity of the voter's identity card in relation to confirming one's gender identity is not clear. Hijras had contested election in the past. It has been documented that the victory of a transgender person who contested in an election was overturned since that person contested as a 'female' which was thus considered a fraud and illegal. Thus, the right to contest in elections is yet to be realized. Challenges in collectivization and strengthening community organizations a recent mapping study showed that only 103 organizations and net works were found to be working with transgender people in India. Even among these, only half (46/103) of these organizations are community-owned organizations.

**Economical Problems of Transgender**

Since most transgender run away or evicted from home. they do not expect support from their biological family in the long run. Subsequently, they face a lot of challenges especially when they are not in a position to earn due to uneducation and due to

health concerns, lack of employment opportunities or old age. Some of the important issues and concerns faces by TG communities in relation to social security measures are given below lack of livelihood options most employees deny employment for even qualified and skilled Transgender people. Sporadic Success stories of self-employment TG's who run food shops, or organize cultural programs are reported in some area. However, those are exceptional. Lack of livelihood options is a key reason for a significant proportion of TG people to choose or continue to be in sex-work with its associated HIV and health related risks. Recently there have been isolated initiative that offer mainstream jobs to qualified TG women such as agents for LIC of India. Lack of specific social welfare scheme and barriers to use existing scheme. No specific schemes are available for TGs except some rare cases of providing land for Aravanis in Tamil Nadu. Recently, the state government of Andhra Pradesh has ordered the Minority Welfare Department to consider TG's as a minority and develop welfare schemes for them. Stringent and cumbersome procedure need for address proof, identity proof, and income certificate all hinder even deserving people from making use of available schemes. In addition, most TG communities do not know much about social welfare schemes available for them.

**Educational Problems of Transgenders**

In India context no formal education for transgender is popular. They are deprived from family and school environment. transgender discontinue their education and risk their future career opportunities. A close analysis of various reports and discussion with community and stake holders suggest that transgender are most uneducated or under-educated, become reluctant to continue school. The average qualification is secondary or senior secondary level. The enrolment is significantly low and dropout rate at the primary and secondary level is still very high. They are hardly educated as they are not accepted by the society and therefore do not receive proper schooling. Even if they are enrolled in an educational institute, they face harassment and are bullied every day and are asked to leave the school or they drop out on their own. It is because of this they take up begging and sex work. It is mandatory for the Government to provide inclusive education for transgender students and provide adult education to them.

In India, some states work for the betterment of transgender. Tamil Nadu has been the only state which has successfully pioneered transgender inclusion by introducing the transgender welfare policy. According to the policy transgender can access free male to female Sex Reassignment Surgery (SRS) in the Government Hospital, a free housing program, various citizenship documents, admission in government college with full scholarship for higher studies, and alternative sources of livelihood through formation of self help groups and initiating income generation programs (IGP). It was also the first state to form a transgender welfare board in 2008 with representatives from the transgender community. In March 2009, Tamil Nadu government

set up a telephone helpline called 'Manasu' for transgenders, and initiative, which was responsible for the formation of India's first helpline for the LGBTQIA community in 2011 at Madurai.

The Chhattisgarh government is also making efforts to empower the transgender community by drafting an action plan for the welfare of around 3000 eunuchs in the state.

#### **Aim of the Study**

1. To understand the status and situation of Transgenders in Indian society.
2. To know the social, economical, and educational problems of Transgenders.

#### **Conclusion**

"The biggest Lacuna in the system is that nobody knows the real meaning of a transgender. Sensitization will not help until the society accept them as indeed a normal human being and treat them as a normal human". Transgenders are unique human but each being in this universe is unique and this is an integral part of nature. It would thus be wrong to judge and discriminate people who may be different from stereotype. It is time to realize that every individual in this country has equal rights and privileges, thus the first and the foremost right transgender are deserving of is the Right to Equality under Article 14. There are laws in the constitution of India for equality, no discrimination on the name of sex, political rights and others benefits through the transgenders continue to be ostracized.

Transgender people faced discrimination and harassment from family, school, society and community, who forces them to move to the other places. This harassment could be verbal, physical or mental and sexual, which has serious impact on the mental health of TG. In every aspect of life TG people face problems so that they are deprived and living very low standard life. Keep in view the above problems it can be concluded that there an immense need to intervene at individual, community and policy level to safeguard the rights of transgenders.

Transgenders requires understanding and support of the government, health care professionals, general public as well as their family members. We need to understand and accept that human are diverse. People have the right to be what they are and what they want to be. For transgender people, the same holds true.

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