



THIRD GENDER- THE CONFLICT FOR SEXUAL IDENTITY IN INDIA AS TRANSGENDER

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ABSTRACT

Third genders have a recorded history of more than 4,000 years. Asian countries have centuries old histories of existence of gender-variant males who in the modern times are labeled as 'transgender women'. Kama Sutra provides vivid description of sexual life of people with 'third nature' (Tritiya Prakriti). These identities have always been part of the broader culture and were treated with great respect. There was a practice from advantaged sections of society to treat the vulnerable groups of people as their main target. They are hassled by the superior community on the basis of customs, social practices and cultural factors. In many situations they are denied life and liberty to enjoy their human rights and the basic rights to live in the society. They are facing many issues in the society. Of which the most important are the denial of land, property rights, basic dignity, acceptance from the society as basic human beings, denial of their social and cultural status. They are deprived from the mainstream society and they are still in the stagnant situation. Apart from this many factors such as economic aspect of poverty, customs and traditional practices in each society also keep them away from the main stream of the society. The case of third gender people and the severity of their situations are very pathetic, leading them to lead a life of agony and frustration. Every individual in the society has some basic rights to be treated on an equal basis, denial of their rights on routine life, social, economic and cultural perspectives only contradict the development of a society.

Key words: gender identity, gender variant males, transgender, third gender

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Transgenders in India

In India transgender community is often termed as “third Gender”. The differentiation in gender describes the various aspects of their cultural foundation. Section 377 of the Penal Code was enacted by the British colonial regime in 1860 to criminalize ‘carnal intercourse against the order of nature’. It was rooted in the Judeo-Christian religious morality that abhorred non-procreative sex. The danger of section 377 lies in the fact that it permeates different social settings including the medical establishment, media, family and the state. Section 377 expresses the deep societal bias towards sexual minorities and provided legitimacy for the harassment of sexual minorities, which include transgenders.

In order to define or describe who is a transgender, it is necessary to establish a basic understanding of what is gender and how and who it is determined by. Gender is assigned at birth may or may not match the person’s idea of their own gender as they grow up. Gender determines every aspect of our life including our name, clothes, hair length, appearance, behaviors, occupation and mobility. It is also present in every document of identity, including birth certificate, ration card, voter id, pan card, passport, driving license, mark sheets/grade cards etc. Even the public utilities like toilets, security check at airports etc, are also gender specific. In terms of categories of gender, one may use the two categories of cisgender and transgender. The category of cisgender is commonly referred to as man/male or woman/female. As per the reports of the Expert committee set up by the Ministry of Social Justice and Empowerment of the Government of India, transgender persons are persons whose own sense of gender does not match with the gender assigned to them at birth. They will include trans-men&tran-women (whether or not they have undergone Sex Reassignment Surgery or hormonal treatment or laser therapy etc). For the first time in the history of India, the census of 2011 listed transgenders as the third gender separately and arrived at a National count of 490,000. Majority of transgenders do not come forward with their “gender identity” for fear of social stigma attached and hence it is near impossible to get an accurate figure of number of transgenders. The issues faced by the Transgender community are manifold. In India, they are often denied access to key social goods such as education, employment, health care, housing and social security pensions. Most transgenders have been told that they are abnormal. They are restricted from social and cultural participation. The discrimination starts from home as families are not able to accept their child is

different from others. It gets amplified in public spaces like hotels, restaurants, buses, airports and Government offices where Transgenders are verbally harassed or disrespected. Sexual violence against transgenders has been reported by multiple studies. Growing up, they are prone to child abuse and sexual assault. They are subject to harassment, sexual advances and rape. Many have experienced domestic abuse and had to move away from family or friends . Exclusion is strongly experienced by Transgenders in health and education sectors.

At schools many transgenders will dropout. Despite literacy rates being comparable with others, severe harassment and lack of specific provisions or reservations for them in education, result in Transgenders being unable to access higher education. They are physically attacked, verbally abused, among others for not conforming to the societal accepted gender norms. They are teased in schools and colleges, which forces them to drop out of educational institutions. They struggle for jobs, housing and health facilities among others. However, when people choose a gender other than the one assigned at birth, they fall under the category of Transgender. They are also facing health issues which the health care system is not geared towards. They face verbal harassment by co-patients and hospital staff, many of whom are not sensitive to or trained on providing treatment to Transgenders. They have limited employment opportunities as most employers prefer male or female genders . They cannot even apply for most of the jobs. Employers deny employment to even qualified and skilled transgenders. The lack of livelihood options is a primary reason for a significant proportion of Transgenders to choose or continue to be in sex work with its associated HIV and health-related risks. Transgender communities especially youth, face great challenges in coming to terms with one's own gender identity, resulting in depression or development of suicidal tendencies . Triggers for mental health issues include societal stigma, lack of social support, positive HIV Status and violence-related stress. The participation of Transgenders in the political processes of India is negligible because of unclear rules and archaic systems. Transgender people now have the option to vote as a man, woman or 'other'.

Over the year after the Supreme Court's landmark judgment on Transgender rights, one section in the transgender community i.e, trans-men were not counted. The reason for these situations is because of the low acceptability of this group by community itself. In a patriarchal and trans-

phobic society, it is even more difficult for trans-men to survive. Being born as female, they are guarded behind closed doors for years with their movements being restricted.

In the analysis of history of Transgenders in India, they include particular section like Hijaras/kinnars (eunuchs), Jogappas, Sakhi, Jogtas, Aravanis and Shiv-shaktis etc. The peculiarity of these group is that they are not belonged any of the particular group, but they denote themselves as Transgenders. Officially they belonged LGBTQ group (Lesbian, Gay, Bisexual and Transgender and Queer). Now the Intersex also has been included in this category and the acronym has changed to LGBTI .

One reason why trans history has been almost invisible is that many trans people did not want to be seen as trans. Instead of this they wanted to be accepted as the gender they feel they should have been born, using any means to hide their trans identity. But in reality because of these negligence and negative attitude of the mainstream community, many transgenders fall into anxiety disorders, depression and other psychological illnesses. In reality the issues arised not because of the Transgendre identity, but the attitude of the societies view on Transgenders.

Main issues faced by the Transegendre Community in India are

1. They are often avoided by the society and family.
2. They are denied by the education, health and public acitiviets.
3. Ther are many insttances in which they are debarred from active involvemnet in social and cultural life.
4. Most of the time Politics an decision-making processes are not favourable for them even to make an identity.
5. Even to ascertain the Transgender basic civil rights, they face many dificulties.
6. Ther are many types of harassment, extreme violence, thretas, denial of services, and unequal treatment against transgenders
7. There are lack awareness and ill-treatment against the transgenders.

One of the facts for the invisibility of trans people is that many transgenders are not interested to reveal their identity. They want to be accepted their born gender by hiding their trans identity. But this will not be long lasting.

Different umbrellas of Transgender

Dreams, aspirations, struggles, triumphs. Experiences that every human being has. While we know about and talk about some people, we refuse to acknowledge that others even exist. For many transpeople who identify as men or women, use inclusive of their gender identity. Many identities fall under the Transgender umbrella in the determination of sex of an individual as Evolutionary Biology occupies an important role. As human sex is classified in to two categories (female and male) on the basis of which a body produces eggs or sperm. Other factors such as genital morphology, chromosomal makeup and genetic factors that affect secondary sexual characteristics (body hair, breasts, and so forth).

Even though there are many Transgenders in the world, still we are not aware of their origin. Prenatal formation of hormones forces many tran/s genders to have a tendency to being transgender. Before the age 6 gender identities seems to be fully formed in a child and it would be difficult to change or influence later. Some of the factors influenec for this. Among this the most importanat factors are Chemical/hormonal,genetic and Environmental. The fact is that men and women have small yet precise and exclusive composition in the brain that are dissimilar in dimension and fraction. The brain structure of Transgender persons shows that almost always match the brain structure of their adopted gender not their birth sex. From Male to female Transgenders own female brain structures. These variations are thought to be caused due to the wrong mixture of hormones prenatally.

In gender identity being either man or woman or something other or in between. Sometimes Gender identity is highly internal and to a great extent it is personally defined, it is not visible to others [9]. In contrast, a person's "gender expression" is external and socially perceived. The Ministry of Social Justice recommends that Transgenders should be declared as Third Gender, and a Transgender should have the choice to be classified as 'man', 'women or Transgender [10]. One crucial aspect of identity is whether people choose to change their body as per their chosen gender. Towards being accepted and not judged and a part of society, the trans people align their body and makeup in their preferred gender identity. To achieve this, they take prescribed hormones by doctors and some even go through surgery (Sex Reassignment Surgery SRS). However, many Transgenders choose not to go through medical procedures to change

their body structure, and are content with simply dressing like the opposite gender [11]. Identity related issues of physical changes and cross dressing in India, even while desired, are not actively sought after as many Transgenders are not open about their identity with their families. (FGD with transgenders from Kerala. (30th December 2015). Thus any overt expression of their Transgender identity could be seen as a threat to their status of their families within society. Physical changes through Surgery were seen by many as unaffordable. Finally Transgenders were also scared of health complications that may arise post-surgery.

Basic question of Transgender Identity

They often do not easily get adapted. They may not only experience an inner sense of not belongingness but also feel as facing discrimination, harassment, sometimes violence and denial of basic human rights.

Sex discrimination faced by the Transgenders

Most of the states do not protect Transgenders from discrimination based on gender identity or gender expression. Consequently, Transgenders in most cities and states face discrimination in nearly every aspect of their lives. The reality is that they experience high levels of discrimination in employment, housing, health care, education, legal systems and even in their families.

Transgenders may also have additional identities that may affect the types of discrimination they experience. Groups with such additional identities include transgenders of racial, ethnic, or religious minority backgrounds, transgenders of lower socio economic status, transgenders with disabilities, young transgender, elderly transgender and others. Acute occurrence of intolerance may lead to considerable amounts of psychological stress, forcing them to think that whether they are ill-treated by their gender identity or gender expression, some sort of socio-cultural identity or some mixture of all of these. Bias is persistent for mass of Transgenders.

Extent of mental disorders in gender transition

Transgenders experiences a wide discrimination at their home, society and the public. This creates a feeling of imbalances in their personality. In some part they are not happy with the body they have and in other part they cannot satisfy their mind. This is a great mental disorder. So they are easily fallen in to commitments like love or infatuation. If they feel they lost everything in their life they will indulge in sex work. Sometimes this alienation leads to emotional instability and leads to a mental disorder only if it causes significant distress or disability. Many Transgenders do not experience their gender as distressing or disabling, which

implies that identifying as Transgender does not constitute a mental disorder. The important dispute for them is to find reasonable resources, such as counseling, hormone therapy, medical procedures and the social support essential to freely articulate their gender identity and reduce inequity. Other hindrances may lead to distress, including lack of recognition from the society, direct or indirect experiences with discrimination, or assault. All these bad behaviors may guide many transgenders to suffer with anxiety, depression or associated disorders at top rates.

Violence and abuse against Transgenders

Transgender soften face acts of violence and discrimination for not conforming to traditional societal norms in both the public and private sphere”. There are many types of violence’s are experienced by the Transgenders. It includes vulgar comments, intimidating, mental harassment, physical violence, sexual violence, insults and discrimination. Physical and mental abuse by anti-social elements in public spaces is a common experience for many Transgenders. Sexual violence against Transgenders is very common especially by male family members like brothers and parents. In the work place and medical systems, Transgenders reported experiencing psychological harassment and discrimination, more prominently than physical or sexual violence. Psychological harassment can include derogatory comments and persistent teasing while discrimination can refer to denial of a job or promotion.

Social Exclusion

Social exclusion describes the lack of ability of individuals to participate in economic, social, political and cultural activities at a normatively acceptable level. Social exclusion occurs when a certain section of people are discriminated against on the basis of ethnicity, religion, caste, gender among others and are pushed to the fringe of society. Discrimination of Transgenders becomes more pronounced overtime in the educational arena. Sexual assaults and gang rape of a Transgender student by fellow students are common in India. Transgenders have their own culture of performing arts including dances and have sometimes employed dance as a means of earning their living. Though education is an essential right of Transgenders like any other citizen, educational institutions have failed to provide safe and supportive learning and educational environment to continue their studies without harassment, intimidation, bullying and discrimination on account of their gender identity.

Health

The right to health is a basic right. The world Health organization (WHO) defined health as ‘a state of complete physical, mental and social well being and not merely the absence of diseases or infirmity’ . Transgenders face institutional and societal barriers accessing health care facilities, which have negative bearing on their health. They are deprived of access to health care due to stigma and discrimination at the health care settings and transphobia among others.

One key barrier to access is that health services are not designed to accommodate the needs of Transgenders. They require that health care providers are empathetic to them and are sensitized to their health issues. Further, they require separate wards and facilities at hospitals. According to a detailed study on transgenders mental health in UK, over 50% of transgenders mentioned that health care professionals did not know enough about the type of trans healthcare to be provided to them. Lack of any guidelines for physicians and other health care professionals on approach to primary care for transgender patients are major hindrances that transgenders face. In many cases, they are not recognized in the system and in the hospital records their gender is mentioned as decided by the staff. Transgenders also experience discrimination in the form of verbal harassment, comments on their appearance and the humiliation of their family members for having accompanied them to the hospital.

Transgenders often have mental health issues due to the conflict of identity and lack of acceptance in society which leads to feelings of isolation. It is a known fact that globally, transgenders have high rates of suicides as compared to the general population. Suicidal tendencies are observed to be lowest among young adolescents in the age group of 16 to 20. There is a steady increase in the rate of suicidal attempts with age.

Economic Exclusion

Economic inclusion refers to participation of people in economic activities through the labour market, as also their capacity to purchase goods and services by generating incomes. The Universal Declaration of human rights asserts the rights assert the right of individuals to work in a job of their choice and to receive equal pay for equal work, without discrimination. Transgenders are persons denied this basic human right and tend to be concentrated in low paid temporary jobs.

Access to Services

Having official identification documents is extremely important in the lives of Transgenders, as it gives them legitimacy. It demonstrates their gender (man, woman or Transgender) thereby protecting them from embarrassment, harassment and discrimination. In times of emergencies, inconsistencies between how a person looks and the gender mentioned in their documents could make them targets for unjust attention and abuse. Having these documents makes it easier to access schemes and entitlements.

Conclusion

Differences in Gender identity of the Transgenders makes them to bias-motivated discrimination, stigmatization, violence and harassment in different areas of life including employment, education, health care, housing and public services. This is strongly linked to their gender identity which does not allow them to conform to traditional norms. The Transgenders are marginalized due to being engaged in low paying, low skilled occupations leading to poverty and further discrimination. One possible reason for this economic exclusion emerged from their low level of education, high drop-out rates and reduced access to vocational skills. Another cause of their exclusion could be their gender identity which prevents them from getting jobs or promotions. At the home they experience through partner violence and outside the home they face assaults from schools and from the police and anti social elements. Thus for transgenders there is no forum to address violence. Mental harassment and discrimination was more prominent than physical violence in public spaces such as the workplace and public services provision agencies.

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