MARGINALIZATION OF TRANSGENDER COMMUNITY IN INDIA

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Abstract:

The World Health Organization (WHO) describes "Transgender" as an umbrella term used to identify people, whose gender identity and expressions does not conform with the norms and expectations traditionally associated with the sex assigned to them at the birth. It includes people who are transsexual, transgender or otherwise considered gender non-conforming, for example, a transgender person may identify as a woman despite having been born with male genitalia or vice-versa. Various factors influence transgender's life at individual, family, community and societal level. At individual level, it leads to gender dysphoria, at family level, it leads to rejection, neglect and violence, at community level, it leads to exclusion from education, peer network, livelihood opportunities and at societal level, there is lack of legal identity, social protection and access to social welfare. Parents should not segregate transgender child, should take special care of them and treat them with normality to ensure self-esteem among transgenders, which will lead to a transgender living in their families and societies with dignity. There is a need of transformation and improvement in the field of health, awareness, education, nutrition, shelter, family life and employment. School and colleges need to become inclusive and play a supportive and encouraging role in providing education and value-system to a transgender. Judiciary and the law enforcement systems need to be sensitized on the issues of transgender community. Overall, a massive awareness and sensitization campaigns need to be run by government and civil societies to facilitate society in eradicating its stigma against transgender and become more inclusive towards the third gender, which is "Transgender".

Index Terms **- Umbrella term, Marginalization, Dysphoria, Transgender.**

INTRODUCTION:

"Transgender" is a broad term used for people whose gender identity, expression or behavior is different from those typically associated with their assigned sex at birth. Transgender is a biological change which make people behave differently from the stereotypes of males and females.

There are various types of Transgender communities in India. The most prominent of these communities are known as Kothi (Represent themselves as male), Hijras (Biological males but reject masculine identity), Aravanis (Woman wrapped in male body), Jogappa (Serve as servant of Goddess Renukha Devi), Shiv-shaktis (Males but have feminine gender expressions).

An estimated 2.5 crore people identify as Transgender worldwide, while Indian census included Transgender for the first time in 2011, it estimates total population of Transgender in India to be around 4.88 Lacs, of which most reside in state of Uttar Pradesh where the population is 1.37 Lacs. The Supreme Court of India recognized Transgender as the **"Third Gender"** in 2014.

METHODS: Many journals, books, magazines, articles, newspaper etc. related to Transgender have been read and analyzed.

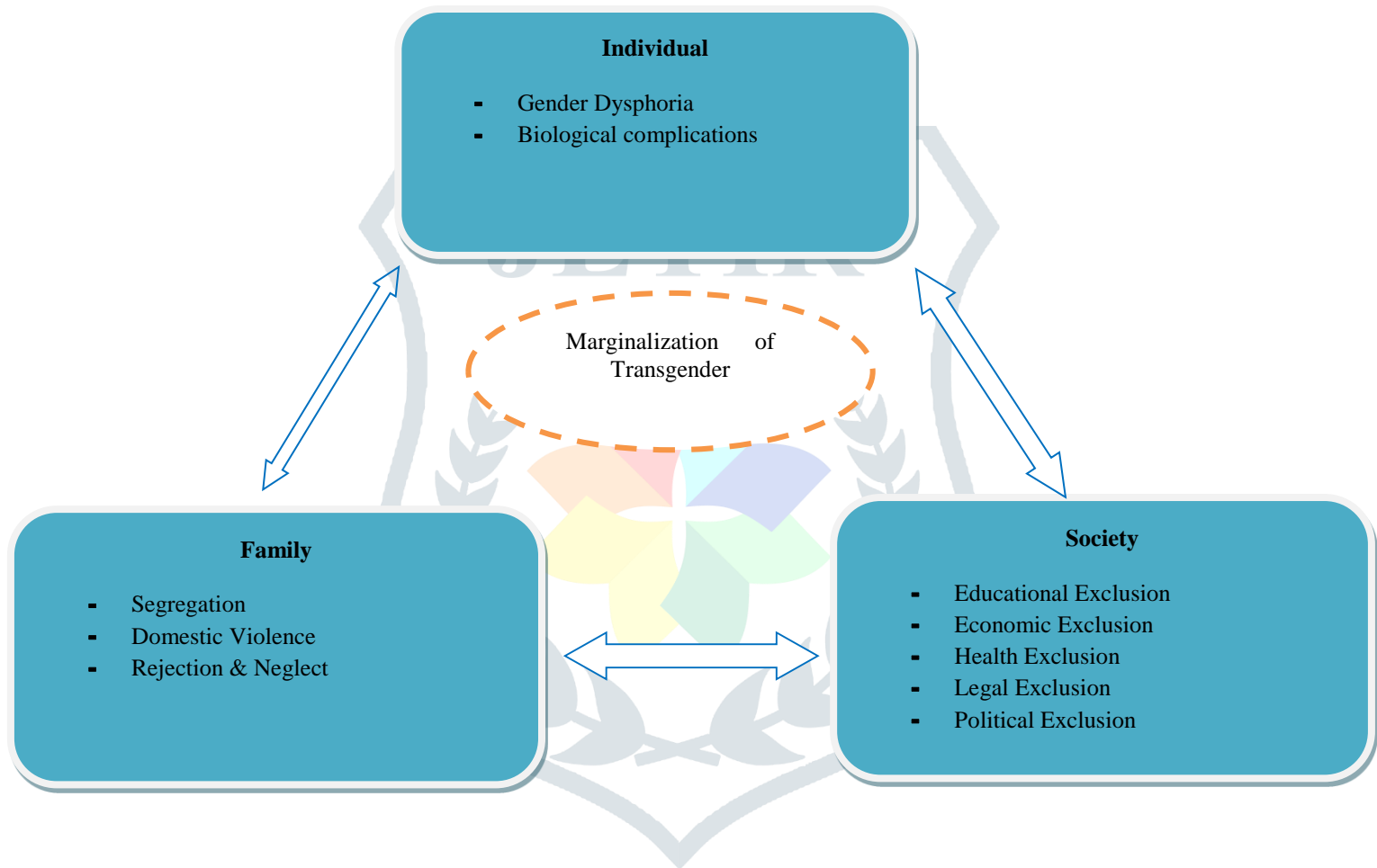## STATUS OF TRANSGENDER COMMUNITY IN INDIAN CONTEXT:

Transgenders find mention in the Indian texts of 13th and 14th century, during Mughals period they enjoyed influential position and been holding important position but during British era, their condition got detoriated. In 1871, the British enacted the Criminal Tribes Act, 1871, under which certain tribes and communities were considered to be 'addicted to the systematic commission of 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 statute, "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. Any eunuch so registered who appear dressed or ornamented like a woman in a public str or who dances or plays music or takes part in any public exhibition, in a public street could be arrested without warrant. This led to exclusion of transgenders from the society or a group and then became a subject of everyday abuse and discrimination even after the collapse of British rule in India. Transgender community is the most visible and exploited sexual minorities in India, they are rejected by their families and society. According to a NACO (2011) survey, 41.2% Transgenders were not accepted by their family members due to their gender status, 75.2% of the respondent's family mentioned that the Transgender/ hijras status was not accepted and as a result they were forced to leave their parents' house, because of this 48.8% were drop-outs between 6th -12th standard, and 18.4% remained illiterate. Transgender undergo extreme stressful experiences due to gender dysphoria, undergo childhood sexual abuse, bullying and teasing and do not get livelihood opportunities. The UNDP (2010) report highlights that skilled Transgenders are denied employment opportunities because of their Transgender status. They are forced into marriage, are being compelled to do sex work and begging for livelihood, they face financial and sexual exploitation by the partners, exploitation by police and public they stay at slums with poor living conditions and they are ill-treated at health-care centers. Further, the transgender persons are in

high risk for developing psychological distress and mental health issues such as depression, substance abuse, suicidal tendencies, and conduct disorders. The literature has reported high rate of suicidal tendencies among transgender community, which ranges from 32% to 50%, also 26% of the transgender persons are at high risk for major depression, and 31% and 15% are at high risk for tobacco and alcohol abuse, respectively.

FACTORS LEADING TO MARGINALIZATION OF TRANSGENDER COMMUNITY IN INDIA:

There is complex relay of the factors which operate in life of a Transgenders which pushes them towards marginalization, these factors operate simultaneously mainly at 3 level which are Individual, Familial and Societal.

Triangle of Transgender Marginalization

Individual
- Gender Dysphoria
- Biological complications

Marginalization of Transgender

Family
- Segregation
- Domestic Violence
- Rejection & Neglect

Society
- Educational Exclusion
- Economic Exclusion
- Health Exclusion
- Legal Exclusion
- Political Exclusion

INDIVIDUAL DETERMINANT	CHALLENGES	MITIGATION
GENDER DYSPHORIA	• Clash between Psychological and Physiological Identity. • Clash between self-perceived and other's perceived gender.	• Medical and psychological diagnostic as child and treatment at right time. • Psychological counselling of transgender to smoothen transition and awareness creation in society on third gender.
BIOLOGICAL COMPLICATION	• Hormonal imbalance. • Psychological complications like mood disorder, anxiety and depression due to **Transphobia** in society.	• Hormonal therapy (HT). • Gender–Confirming surgeries. • Making **Insurance Policy** more inclusive. • Comprehensive health and wellness program development

FAMILIAL DETERMINANT	CHALLENGES	MITIGATION
SEGGREGATION	• Segregation from family events and gathering. • Segregation from interaction with outside society. • Pressure to not disclose true gender identity.	• Counselling program for family and parents of transgender. • Special incentives for transgender families to disclose the identity. • Transgender child protection law.
DOMESTIC VIOLENCE	• Outing - Disclosing of gender identity to unknown person. • Undermining identity – Use of incorrect and offensive pronoun to address transgender person. • Body Shaming – Shaming a transgender on basis of their appearance.	• Compulsory domestic violence management program for transgenders. • Awareness and acceptance by parents. • Law against body shaming. • Massive awareness and gender inclusion program by Govt. for society and transgender • Comprehensive health and wellness program development

SOCIAL DETERMINANT	CHALLENGES	MITIGATION
EQUAL ACCESS TO EDUCATION	• Literacy rate of transgender in India is just 56% against 75% literacy rate of country. • Most transgender students who are out at school report one or more negative experiences, including not being allowed to dress how they want, or being verbally harassed, physically attacked, or expelled. • Poor treatment in school is associated with increased risk of dropout, suicide, homelessness, and working in the underground economy.	• Setting a grievance redressal committee in education institute for transgender. • Special hotline to report discrimination and expulsion. • Regular psychological counselling.
LACK OF LIVELIHOOD OPTIONS	• Most employers deny employment for even qualified and skilled transgender people. • Lack of livelihood options is a key reason for a significant proportion of transgender people to choose or continue to be in sex work • Transgender people report being fired, not hired, or denied a promotion because they are transgender or gender non-	• Transgender job quota for transgender in Govt. & Private organization. • Free legal assistance. • Special hotline to report discrimination. • Transgender social welfare schemes.
HEALTH AND HEALTH CARE	• Gender-affirming medical and surgical interventions are necessary to support the health of transgender people, and yet insurance policies do not cover them. • Transgender people with unsupportive family members can lose control of their medical decision-making if they become incapacitated	• Change in **Insurance Law** making it more inclusive towards transgender • Transgender health and health care policy. • Govt. nodal agency to become responsible for transgender w/o families and partners.
LEGAL NAME & GENDER MARKER CHANGE	• Many transgender people have a name and gender identity that differ from identification (ID), placing them in danger of harassment, assault, and refusal of service or employment. To change names and gender markers on their IDs, transgender people often must overcome discriminatory treatment from court employees, prohibitive fees, and the need for notarized letters with proof of specific surgeries.	• Fast track single window services. • Pro bono assistance or offer free legal clinics that address name and gender marker change, helping to reduce fees and ease the difficult process.

SOCIAL DETERMINANT	CHALLENGES	MITIGATION
HOUSING AND SHELTER DISCRIMINATION	• Most of the Transgender experience homelessness. • Public shelters are not easily accessible to Transgender and they are frequently returned. • Public shelter also exposes transgender with risk of being sexually exploited. • Transgender are forced to live in ghettos, excluded from society	• Specialized quota for transgenders in Public shelters. • Specializing housing society for transgender
Access to Finance	• Most of the Transgender experience lack of financial product suitable to them • No credit access for Transgender. • Bank and credit companies refrain from giving loans. • Lack of collateral and property makes credit access more difficult. • Lack of credit is major constrain to start some business on own	• Specialized credit rating system for transgender. • Specialized financial product from Govt. • Collateral facility by Govt. • Separate Know Your Customer (KYC) norms for transgender.

CONCLUSION:

There are numerous issues linked to Transgender community, such as discrimination, persistence of stigma, lack of educational facilities, lack of finance and credit, 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, absence of sensitivity, 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. Even in cases of inheritance of property or adoption of a child, they are a neglected group.

Most of the problem is linked to lack Government framework, Legal frame work and lack of sensitivity and awareness to the plight of Transgender, their small number and lack of identification has further made Transgender and excluded and ignored group, there is high need of policy and legal advocacy at Government level for rights of Transgender. Civil society and Government should come together to draft suitable policies to bring Transgender in mainstream and a massive awareness campaign is needed to make society aware and sensitive towards Transgender.

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