

“TRANSGENDER IN INDIA: ALIMENTED FROM THE SOCIETY”**PRITI SHARMA, NISHANT PAL**

Abstract: The Hijras of India are probably the most well-known and populous third sex type in the modern world. The United Nations development programs have recognized these people as one of the target group needing special attention. Condition of transgender is very appalling in our society and they are underprivileged from their basic rights and transgender are still not accepted by Indian society. Many transgender suffer from mental health problems like depression and suicidal tendencies indicates about problem faced by transgender which showed that transgender is facing many problem in the society, and this is not researcher personal view ,this is what research says. Research on transgender cultures has mostly focused in North American and Europe. Only about 7% has been on Asian societies. The fact that transgender has been provided voting rights in 1991 it shows that they have been deprived from a fundamental right for a long time. In this paper the author will emphasize on the problems faced by transgender and need to establish their legal rights. And point out the necessity of more legal awareness among people and sensitivity from law enforcers.

Keywords: legal awareness, target group, third sex type, underprivileged.

Introduction: “Jawaharlal Nehru had once lamented that why is it treated to be a crime to be born a hijra. The community leaders will have to see that their ego does not come in the way of community empowerment.” Presently the hijras have to live a life of shame and indignity as there is too much negativity in society .The transgender, 'hijra' or 'kinnar' community is visible as usually its members can be spotted easily by way of their attire and mannerisms. However they are invisible in the sense that society shuns them and does not even want to acknowledge their existence. They face problems in all spheres of life. But, the impediments they face in accessing quality healthcare services at times, cause irreparable physical and mental damage to them and may even be life threaten. Research on transgender cultures has mostly focused in North American and Europe. Of 235 significant publications on transgender studies from 1992 to 2002 around 90 % were studies based on these two western societies. Only about 7% has been on Asian societies.

The Hijra of India are probably the most well-known and populous third sex type in the modern world – Mumbai-based community health organization The Humsafar Trust estimates there are between 5 and 6 million hijras in India. In different areas they are known as Aravani/Aruvani or Jogappa. Only eight percent of hijras visiting Humsafar clinics are nirwaan (castrated). Indian photographer Dayanita Singh writes about her friendship with a Hijra, Mona Ahmed, and their two different societies' beliefs about gender: "When I once asked her if she would like to go to Singapore for a sex change operation, she told me, 'You really do not understand. I am the third sex, not a man trying to be a woman. It is your society's problem that you only recognize two sexes.'" Hijra social movements have campaigned for recognition as a third sex, and in 2005, Indian passport application forms were updated with three gender options: M, F, and E (for male, female, and eunuch, respectively). Some Indian languages such as Sanskrit have three gender options. In November 2009,

India agreed to list eunuchs and transgender people as "others", distinct from males and females, in voting rolls and voter identity cards.

History: The history of the 'third gender' dates back many centuries. They have always been an integral part of Hindu mythological stories. In fact, there are various rituals and traditions, which are specific to the community.

the transgender are exciting in our society from ancient period including the Indian civilization.Sankirt, the oldest language also recognize the third gender, they are known in Indian society as kinnars or hijras.There are also reference to them in the epic as well as Kama sutra wherein they are referred as tritya prakrit (third category) .hijras were also recognized throughout the history of Hinduism, and were hired as honorable servants to the noble classes of Islamic societies. From 1858 to 1947, India was ruled by the British, who believed hijras were of unpleasant public decency. Although the British rule prohibited men from becoming hijras, the Indian communities still accepted hijras as respectable figures with magical powers. Hijras were not generally seen as strange until mid-1900s.from the 1920s to 1940s,Gandhi led his followers to eradicate the erotic depictions of homoeroticism that were carved into Hindu temples around the 11th century, hijras were associated as being a part of this homoeroticism ,and Gandhi felt that these behavior were a result of foreign influence(mainly western societies).after independence was given to India, anti-hijra laws were revoked however the law prohibiting castration, which is a central part of many hijras was upheld although this law is hardly enforced. Even after independence. Most Indian societies hold that hijras are associated with homoeroticism and view them in negative light in Hindu contexts, hijras are thought to be a part of higher caste system. They honor bahuchara Mata, the mother goddess as well as a supreme god Shiva. For Muslims, hijras are believed to be the outcome of Allah's will in both Hinduism and Islam, hijras follow Islamic customs.

Although census data does not exist, it is estimated that there are about 50000 to 500000 hijras in India. Most hijras are physically male or intersexes but identify as female through their clothing and personality they also communicate in a language that is strictly used by females. Hijras are sometimes called "eunuchs" (castrated males), however less than 10% have sex reconstruction surgery. These people do not fit into family system which was based on procreation. Due to this, they were despised by the ancient law makers, manusmirti mentioning them along with outcaste. This made them disassociated from the society. They totally disassociated themselves from the society and separated there work patterns from normal society

Inspiration from Transgender: Usually hijras suffer mental and physical disassociation by the society despite this fact. Many Hijras proved themselves better than other 2 gender, those people are inspiration for hijras as well as other genders.

- **Shabnam Mausi**, who was an elected member of the Madhya Pradesh legislative assembly from 1998 to 2003.
- **Zeenat Pasha**, a prominent Hijra guru from Mumbai and a founder member of the Dai Welfare Society, the first community-based organization of Hijras in India, has been working with people living with HIV in the Kamathipura (red light) area of Mumbai for the past 17 years. She is very vocal about the problems faced by transgender who are HIV positive, and rues that,
- "Mujra is a Hijra activist from Mumbai who runs a support group for Hijras living with HIV from her home and attends to those in need. She also provides quality peer counseling and yoga training to meet mental health needs of the TG and Hijra community who are also infected with HIV. "
- **Kalki Subramanian**, a transgender from Tamil Nadu, who is a web and communication specialist emphasized on education. "Transgender should be allowed to study in schools.
- Bobby darling a well-known TV actress, she is perfect in acting plus in looks to make people to see her in television
- **Lakshmi Narayan Tripathi** is 30 years old Hijra Guru functioning as manager in shriram. She is originally from UP, India. Laxmi is a famous dancer, dance instructor, and hijra guru. She is well-known campaigner and quintessence of elegance and courage faces the reality. She also adopted two grown up child as her kids.

Present problem faced by Trans-gender and their legal rights:

The main problem is the stigma and rejection the transgender/hijras face in society. As soon as people come to know about their status the process of discrimination begins. This partly stems from ignorance of the people who only know about the male and female sex and are not even aware of the exist-ence of a third sex, so when they face a third gender, the discrimination start as

society member always try to run away from them or ignore them, society member don't like their presence in their locations.

- Third gender in India faces a crisis of recognition of their gender identity. This further translates into a number of legal issues such as change of sex, same sex marriage, child adoption, inheritance etc.

- In this Indian society, third gender is at lowest rung ever among the marginalized groups. This category is subjected to extreme discrimination in every field of life whether it is health, employment, education or social acceptability. They have always been deprived from health services, employment and education because they do not have a particular gender identity.

- Due to discrimination the third gender people are not able to receive any formal education. Even some of them may want to be educated; the schools are reluctant to take them. There are many examples where school authority refuses to take a hijra student in their school; one of these examples is the very well-known celebrity 'Bobby Darling', in an interview reveals that she was denied to study in school when she was in 10th because she was a transgender.

- These people do not have any employment opportunity and have to live on begging and prostitution, which further hardens the attitude of the society. They can be usually seen as beggars in trains and marriage .because they don't have any other source of living rather than begging.

- In prostitution, they face similar atrocities like other victims or even greater as even in that profession, they are placed at lower level than other sex workers. Society people don't give them residence so they used to live in red light area .even there they have to face discrimination because of their physical structure they are placed at a low level then other prostitute.so even in this profession they cannot enjoy their livelihood easily.

- These people are also discriminated by the bureaucracy. They were granted voting rights only in 1994.Many of the official forms still recognize and exhibit only two genders. This has prevented them from being benefited from a number of schemes available to other citizens.

- "In India, cases of violence go unreported as the present social and legal environment is oppressive towards transgender persons and hijras. Due to their different gender identity, they are denied opportunities to earn a living, to study, and to access health services. Even changing their names and sex in official documents is not easy."

- "The hijras face a two pronged problem within healthcare settings - one is the element of fear and the other is lack of knowledge. Because there is no education there is no awareness so there is lack of knowledge in hijras about their rights. Or some time they fear to come in front to gain knowledge or to be aware because they feel themselves different from the others.

- Hijras/TG communities face several sexual health

issues including HIV. Both personal- and contextual-level factors influence sexual health condition and access to and use of sexual health services. For example, most Hijras/TG is from lower socioeconomic status and has low literacy levels that pose barrier to seeking health care. Consequently, Hijras/TG communities face some unique barriers in accessing treatment services for STIs

- The government programs are limited to distribution of condoms and at the best admitting a patient in a hospital in case of serious sickness. When hijras go to a hospital to seek treatment the first dilemma of the doctor is whether to admit them in male ward or female ward. If the hijra is nirvana (they have got themselves emasculated) he is sent to female ward. If he is not emasculated they are put in male ward. Seeing the devastation and death caused by HIV/AIDS hijras are becoming more aware and are counseling each other to save themselves from HIV related death. Earlier they had no knowledge about the benefits of condoms and about clean injection syringes. But now they ensure that the doctor is using clean syringes; else they do not go to him. But only 30-35% hijras have become more aware. So a lot more still needs to be done.”

- For hijras just to get tested for HIV/AIDS is a big issue. They do not get motivated easily to go for testing. They have to be counseled a lot that being HIV positive is not the end of life and that they can still live normally by taking medicines. Even when we convince the person to see a doctor, then we face many problems at the time of registration for which some identification and address proof is required, and in the absence of these documents registration cannot be done. All hijras do not possess such a proof. This is a big problem and I request the government to find a way out, as hijras are also a part of society. Again, even if the doctor at the health Centre says yes for admission, when they go to the ward then the nurses and other staff reveal their identity and also wonder where they should keep the hijra. Then, other patients in the ward also start discriminating

Conclusion & Suggestions: If people are more informed about gender then 80% of the discrimination will vanish. So it would be helpful if information about the third sex is made part of the educational syllabus so that students are sensitized about this issue.

We also need more legal awareness and sensitivity in law enforcers. Many transgender suffer from mental health problems like depression and suicidal tendencies. So the doctor must understand what drives them towards such a state of despondency. They do not have anything to fall back upon apart from some community structure. If you are excluded from your family and are living in a pseudo family, if you do not have children, then what is there for you to look forward to, beyond your earning age of 40 years? So healthcare professionals need to be more sensitized; communities need to be proactive; parents need to understand and the government has to be serious in its efforts.”

- The society members should not fight amongst themselves but work together for their own betterment

and rise above petty matters of color, caste, creed, dress, etc. so they should mass up with transgender people also. They should understand these things that transgender are not liable for their situation, god made them like this, so we should not blame them for their bad situation.

- Hijras have to remain united to get their rights: “oneness” is necessary to gain a ‘common goal’, all transgender should have make a union to arise there voice against the Discrimination that is happening against them in the society. They should demand for a reputed position in the society.

- Proper counseling at every stage is a must. As soon as this gender is discovered in a child, parents should become more caring and protective; schools should have trained personnel to counsel such children; there should be hostels for them where they can live and breathe freely.

- Discrimination can end by doing two things—they should be kept in a healthy atmosphere and secondly create awareness in society that there is also a third gender who have their own specific problems and their own life

Conclusion: A number of national and international organizations are waking up to the problems of third gender, although the initiative being taken by these organizations is usually a part of the intervention for the sex workers. The United Nations development programs have recognized these people as one of the target group needing special attention. In one of its brief, the organization has recommended better health care facilities for these groups corresponding to their specific needs, claying the status of sex reassignment surgery and gender transition, implementing stigma and discrimination reduction measures and opening up of existing social schemes for needy members of this group.

In spite of being into existence for so long, the transgender community has never been able to become a part of mainstream society. This project clearly shows that how many problems are faced by Hijaras in our society. And this sector of society is always hidden from the development eyes of government, government hardly thought about this sector of society. All other department of society developed in a part after coming of democracy in our country but this section is begging in trains since our independence, this shows lack of interest on the part of government to develop this sector.

Condition of transgender is very Bad in our society and they are deprived from their basic rights and transgender are still not accepted by Indian society: the chapter IV describe about problem faced by transgender clearly showed that transgender is facing many problem in the society, and this is not researcher personal view ,this is what research says. The fact that transgender has been provided voting rights in 1991 it shows that they are deprived from a fundamental right for a long time. Due to their different gender identity, they are denied

opportunities to earn a living, to study, and to access

Health services. Due to their lost identity hijras in our Indian society face problem in every field.

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