

Living in Trans: A study on the socio-economic condition of the transgender community in India

Shivani Mohan and Shreshtha Mishra

Summary

During the medieval and vedic age, transgenders were not only identified but also incorporated in the society. They held important positions and led respectable lives. However, presently the prejudice and ignorance of the majority has made them an object of travesty. Their position as deteriorated to such an extent that being harassed and humiliated has become a part of their existence. This article sketches out their role in society from the vedic era to the present day, with an explanation of what brought about this drastic change. Through this article, we also seek to explain, if anything has really changed or whether there are any insinuations of change. By examining the results of 2011 census report, we try to find out the cause of the life that the transgenders are forced to live and understand what pushes them into the vicious circle of poverty, humiliation and helplessness. Having listed out the causes, we list out the possible solutions that can be adopted to make their lives better and provide them with basic human rights that our constitution guarantees to all its citizens.

Introduction :

“What is different will always be misunderstood, but it will always find a way”

Life as a Transgender in India is a life full of being misunderstood, of being shunned, judged

and stared at. It is a life where you're discriminated against and forced to live below what you

deserve, even by the rights of humanity.

Called by several names such as hijras, kinnars (eunuchs), Jogtas, Aradhis, sakhi, etc., they are covered under the larger group of LGBTQ : Lesbian, Gay, Bisexual, Transgender, Queer.

So, who are the transgender?

Unlike 'sex' which is assigned at the time of a person's birth, 'gender' is defined as the range of characteristics pertaining to, and differentiating between, masculinity and femininity. Depending on the context, these characteristics may include biological sex (i.e. the state of being male, female or an intersex variation which may complicate sex assignment), sex-based social structures (including gender roles and other social roles), or gender identity. Thus, **"Male" and "female" are sex categories, while "masculine" and "feminine" are gender categories**, as defined by the WHO.

'Transgender', as the name suggests, does not include sexual orientation and instead pertains to gender identity or gender expression. Thus, their gender identity differs from their sexual

orientation and from the generally accepted stereotypical gender norms of the society.

Lifestyle :

“The mothers are usually called as Gurus and the daughters as Chelas. This was a family

hierarchy which is fully matriarchal. We have great grand mothers, grand mothers, mothers, aunts, mother in laws, daughter in laws, daughters, grand daughters and great grand daughters. Apsara, my mother from the trans family is my Guru. The chronological age has no value here, whoever joins the family becomes the part of the hierarchy and trans women who join thereafter will be the daughters or grand daughters of that person. This is a unique family system which the trans women have been following for more than 100 years and it is a strong bond which unites us as a family network throughout the country. Girls from any religion or sect can become a Chela (daughter). It is a true bonding based on loyalty, love and faith. Transwomen who run away fearing the stigma from their family and relatives usually join or create these families. Transwomen who stay with their biological families can be a part of these families too."

(Excerpt from: **My Story**, by Kalki)
(Cited)

His torical Role of Transgenders in Ancient Indian societies :

Transgenders and Hinduism :

The "transgenders" have been mentioned in the 'Vedas' and there are several stories and art sculptures based on them in ancient Indian culture. There is an overwhelming presence of homosexual iconography in Hinduism. Copulation between the same sexes is represented in Hindu art in sculptures, carvings, and paintings. In Hindu religion and philosophy, erotic carvings representing sexuality and fertility, are highly revered. There are

several instances of transgenders mentioned in many Hindu scriptures and spiritual books. The Hindu God 'Shiva' has often been portrayed as having both 'masculine' and 'feminine' nature. The Hindus even have a transgender God "Ardhanarishwar", who represents neither Lord

Shiva or Goddess Parvati, but the two in unison. In Kama Sutra, the Hindu book on sexuality, homosexuality is considered permissible in some communities and forbidden in others.

A third sex has also discussed in ancient Hindu law, medicine, linguistics and astrology.

In Vedic Astrology, each of the nine planets has been associated with male, female or trans.

Role in Indian history :

The word "Eunuch" literally means 'keeper of the bed' as castrated men were in popular

demand to guard women of the royal household. During the mughal periods, they rose to well

known positions as administrators, political advisors, generals and even guardians of the

harems. Hijras were considered to be clever, trustworthy and fiercely loyal and had free access to all spaces and sections of population, thereby playing a crucial role in the politics of empire building in the Mughal era. The Hijras also occupied high positions in the Islamic religious institutions, especially in guarding the holy places of Mecca and Medina, they were even able to influence state decisions and also received large amount of money to have been closest to kings and queens. There is a detailed reference in Jain Texts to Transgender, which mentions the concept of 'psychological sex'. In ancient Hindu traditions, transgenders were accepted and considered to be an auspicious group. They gave their blessings at weddings and childbirth since

they were considered to bring special luck and fertility.

So, what brought about deterioration in their status?

Criminal Tribes Act 1861

This legislation was enacted during the British rule to supervise the deeds of the transgender community. It deemed transgenders as innately 'criminal' and 'addicted to the systematic commission of non-bailable offences'. It allowed the colonial government to arrest transgenders without warrant and sentence to imprisonment upto two years or a fine or both. Act has, however, been repealed in August 1949. But the damage to the social status of transgenders was done as now society began to view them as criminals.

Section 377, IPC

Under the Colonial Rule, Section 377 of the Indian Penal Code was introduced in 1860. This criminalised the sexual activities "against the order of nature", arguably including homosexual sexual activities.

“Unnatural offences: Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment for life, or with imprisonment of either description for term which may extend to ten years, and shall also be liable to fine.” Because of this, the fact that people are transgender became a criminal offense. They started facing a social stigma, which overtime became social abuse, with numerous incidents of hate crimes against the LGBT community. Instead of considering it as a state of being, people considered it as a social vice which gave the power to the state and made it their responsibility to contain it.

Over time, transgenders began forming their own close communities that even had their own language in some instances. They would go to birth ceremonies of children to give their blessings, and additionally to see if the child is normal. In case he is not, they take the child with them, where he lives as a part of the transgender community. People living in such communities are outcasts and rarely have any access to education or any other government resources. They have to live their lives in poverty and are seldom forced to go into sex work, to earn an income.

Census in India started in 1871, but it was not until 2011 that the population of transgenders were calculated. This was done by including them under the category of “others”. This was a monumental step since it allowed transgenders a recognition, and allowed them basic rights such as voting, and crimes against them being registered.

Census Results from 2011 :

Some salient features of the results regarding the transgender community in the census of 2011 include:

1. No. of transgender in India presently: more than 490,000 ; of which 55,000 are in the 0-6 years old population.
2. Literacy rate: 56.07% as compared to an overall literacy rate of 74%
3. Maximum number of eunuchs found in Uttar Pradesh state of India with around 5% of the total percentage of state population.
4. Number of them found in Andhra Pradesh, Maharashtra, Gujarat, Bihar, Rajasthan and Delhi are 5%, 11.0%, 6.0%, 6.5%, 4.5% and 2.0% of the total percentage of state population respectively.
5. Over 66% of the population identified as third gender lived in rural areas, very close

to the 69% of the overall population that lives in villages.

6. Among several hideous measures that they resort to in order to earn money, many of them start working as sex workers which in turn has its own implications. For example, HIV rates are very high among the Hijra community. Statistics vary between 50 and 80 %.

7. Majority of them belonging to the age of 23, 24, 25, 26 years are dying of diseases or suicide.

Further explanations and evidence

While transgender rights activists believe the number of transgenders to be around six times more than the number reported, they are surprised by the large number of 0-6 year olds in the count. A surprising fact is that such a large number of parents have chosen to identify their children as transgenders. "Parents of transgender individuals tend to be in denial. They feel that this can't be happening to their children. There is shame associated with the issue. They worry about what people will say or if at all the society will accept their child." (cited) An aberration from this norm, surely provides a reason to be optimistic about the future

Further, the low literacy rate among the group is not very surprising, as discrimination, harassment and the fear of being misunderstood and judged, usually forces them to quit school (as proposed by Anjali Gopalan of the Naz Foundation, an Indian HIV/AIDS awareness organization). Because of the low literacy rate and prejudices in people's minds, transgenders find it very difficult to find regular jobs. Even if a trans person gets a job, more often than not, due to non-sensitisation of the workplace, they are forced to leave and go back to the street to sell their body or beg for a living. A study conducted across 17 states by Department of Aids Control (DAC) under the National Aids Control Programme-IV found that

around 62 percent of the transgender in India are involved in sex work and number is highest in Uttar Pradesh. This leaves them highly vulnerable to HIV, as according to studies done globally, trans women are up to nine times more prone to be infected with HIV than their female counterparts. A study conducted in a Mumbai STI clinic reported very high HIV seroprevalence of 68% and high syphilis prevalence of 57% among Hijras. In Southern India, a study documented a high HIV seroprevalence (18.1%) and Syphilis prevalence (13.6%) among Hijras. Even in the sex workers community, they are considered to be at the bottom rung of the sex workers and are often mistreated. They are accepted only behind bushes and in dark corners of the city and most of them do not even make it to hotel rooms. In event of a complaint regarding the work conditions, due to their class and gender, they are often also harassed by the police.

Difficulties in Data collection :

While transgenders were included for the first time in the Census of 2011, there were major trust issues on their part while replying to the questions. While many did not know their ages, others were afraid that the personal questions would lead to further police harassment and chose to not answer many questions. When asked about what they do for a living, they gave curt replies like, "Don't you already know that?" Further, they refused to answer many questions and asked the data collectors to 'just write what was best for their child' Refusal to spell out their exact profession, age, etc. has led to a lot of confusion and statistical inconsistency for the data collectors. This problem can only be solved when they are made to believe the data collectors and are free of all fear of harassment from the local authorities. This trepidation of theirs also speaks volumes of their woes and sufferings. While inclusion in the census is definitely a big step, it will not serve a purpose until

the reasons behind the dismal statistics are carefully studied. The low literacy rate among them must act as an eye opener for the people as well as the government. Sensitization of the workplace and encouraging companies to hire transgenders is necessary to pull them out of the vicious cycle of sex work and beggary.

Supreme Court judgement

NALSA vs. Union of India

The case was concerned with the legal recognition of the transgender people, and whether the lack of such measures was against the Constitution. Before this judgement the Indian law only recognised two genders - male and female. The gender assigned to the person at birth would determine their rights with regards to marriage, adoption, inheritance, succession, taxation and welfare. Since this law does not extend to transgenders, several fundamental rights such as rights to a dignified life, equality before the law, nondiscrimination and freedom of expression, were being violated. The court acknowledged the discrimination that transgender people face in areas of life including health care, employment and education, which often leads to social exclusion. Court stated gender identity to be an integral part of personality which cannot be overruled through medical procedures as a part of conforming to two genders for gaining legal recognition. The right to choose one's gender identity was upheld as integral to the right to lead a life with dignity. Additionally, the court asked government to address the educational, social and health care issues faced by transgender people.

Has anything really changed ?

The Supreme court's judgement, unfortunately did not cover the unorganised and the corporate sector. Here

again we see the gap between the law and the implementation of the law. There are several examples of transgenders who are gainfully employed and happy, but these cases are exceptions rather than being the rule. The judgement in itself had a loophole that it was not effective on the corporate sector. The major part of the problem is that, as the census indicates only 57% of the transgender population is literate. And even a lesser percentage has a college education and degrees from well-established institutions of the country. This ultimately results in them not being suitable to get a good job, since they are not able to compete with the mainstream. At best, they get low paying jobs, but majority still remain jobless, which throws them into the vicious circle of poverty. Poverty forces them to become sex workers, which increases the incidence of STD's among the transgenders. This strengthens the stereotypes of public against them, who try to avoid them, ultimately outcasting them. The law, ultimately, does nothing to change the mindset of people, which is the most important tool to guarantee them a life of dignity.

The other side of the tale is the discrimination they face at the workplace. People continue to imagine them in the stereotypical get up and treat them the same way and they are continually harassed. This forces companies to restrain from hiring them as sensitization of the workplace is considered to be a difficult task. There are, however, many institutions who have and continue to employ transgenders. The Future Group, Snapdeal, Kochi Metro Rail Limited (KMRL) being some examples. Other examples are of Padmani Prakash, who is India's first transgender to anchor a daily television news show on Lotus News; Manabi Banerjee who is India's First transgender Principal, and will be heading Krishnanagar Women's College in West

Bengal. Transgenders are also excluded from the political decision-making process. Since the vote bank formed by them is not large enough, no political party goes out of its way to appeal to them and take their problems into proper consideration. There is also a considerable amount of hatred and disgust against them in the mainstream population.

The exclusion of the transgenders can be brought down to three levels, which are -

- Economic exclusion: Due to lack of education, and hence job opportunities.
- Social Exclusion: Social outcasts, limited access to public spaces
- Political exclusion: Limited rights to participation in decision making process

What is the way forward?

Now is the time for the Indian authorities to give up on their own prejudices and work to

implement the Supreme Court's directives successfully, in order to bring the transgenders to the mainstream community. In order to provide transgenders equal opportunities and equal standing as any their citizen of our country, it is necessary to deal with the problem on all three levels. We believe that **introduction of sex education as part of curriculum** will prove to be effective. This must also include giving knowledge about the transgenders. We believe that imparting this knowledge is a major step in improvement of the present status quo. Since, part of the reason of the hatred against the transgender is that people fear them as they are not fully aware about them. It is necessary to extend this not only to the schools, but also to the rest of the population. We believe that this can be achieved through the help of print and social media.

We can **establish a campaign** in support of the transgender community to ensure that they are fully accepted in the mainstream.

Transgender kids face a lot of bullying in schools, which leads to higher dropout rates. Due to lack of proper education and requisite degrees, they are not able to enter the job market and hence are left behind. It is necessary to reduce the dropout rate. It is necessary to make the **workplaces more open to receiving transgenders** and reduce the harassment faced by transgenders when they enter the job market. This can be done by **training the teachers and management** to be more sensitive towards the transgenders. There is a need to **improve their access to the public spaces**, more importantly places like hospitals, health centres and clinics. Since many transgenders are involved in sex acts under unhygienic conditions, they are more prone to STDs including HIV/AIDS. Government should try to set up **separate HIV surveillance for the Transgenders**, to educate them about the unhealthy sex practices and provide adequate care to those suffering.

Since transgenders face a lot of harassment daily and at various levels, there is a need for **adequately trained psychologists**, to help them and their families deal with the mental and

physical harassment, the drug abuse, and continuous depression. Government should take steps in order to frame **separate social welfare schemes** that tender specifically to the needs of transgender community. It is easier to make the law, but rather difficult to kill the social problem. This task falls to the government. It is the duty of the government that the transgenders receive equal rights as any other citizen of the nation. It is upto the government to reduce the daily harassment faced by the transgenders and help them lead a life of dignity.

Conclusion :

Gender identity, which refers to a person's intrinsic sense of being male, female or transgender, is one of the most-fundamental and misconceived aspects of

life. The ignorance of the society and its failure to distinguish between a person's sex and gender has led to a life of misery for certain sections of the society.

The society likes to examine everything in terms of black and white, with white being attributed to all that conforms to the commonly held belief. However, it is important to understand that there are grey areas everywhere, and that no one gets to dictate what is 'black' 'white' or 'Grey'. They are many people who do not 'swim with the stream' and everyone must have the freedom to choose who they want to live as, what their gender will be, and be respected for it. Everyone is unique and that is where our diversity lies.

Moral failure lies in society's unwillingness to accept the transgender community and ridiculing them at every level. Being a transgender is not a crime, nor is it unnatural. They have been a part of our society since ancient times and have occupied several respectable positions, sonmuch so that some societies consider them to be auspicious and their blessings beatific. Still, a majority of them are uneducated, forced to live in a state of penury, forced to resort to sex work and beggary. This vicious cycle of illiteracy, poverty and consequently unemployment or employment in such sectors can be traced back to a single reason: discrimination, fear of being misunderstood and not accepted, fear of being laughed at by classmates and teachers, being harassed by coworkers, of people seeing right through them and ignoring their existence. This is how it starts and this is why their future seems so dismal. Sensitization is an arduous task but all that it takes is for one to accept and respect that transgenders are people, they have suffered a lot and it's high time we started treating them as one of us.

Ultimately, it lies in the hands of people and that how sooner they agree to change.

For the well being of the transgenders, it is necessary that general public understand their feelings and mental status. Government should be more sensitive towards the fear, shame, gender dysphoria, social pressure, depression, social stigma that the transgenders have to face.

Authorities should ensure that transgenders can live safely and don't have to deal with harassment, on family level or in public. They should ensure that transgenders regain the respect they were once given in our society. In the 21st century when the world believes it has achieved major feats, learnt from history and proved its technical prowess, it is about time that we accept transgenders as 'normal' and not aberrations from the norm. Only when we live and let live, can be truly claim to be human, and only then, can any government claim to be working for its people. Without that, we are just a bunch of hypocrites!

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