

Historical and Comprehend Social Discrimination against Transgender

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Abstract

There are third gender people in the binary gender world known as transgender. The term transgender can refer to a range of people including transsexual people, transvestites, cross-dressers. But most transgender people have an aversion the term transsexual because which emphasizes sex. This binary sexual worldview is understood in India where subgroups exist such as hijras, described as *tritika laingik* (third sex). Some of the Buddhist and Jain chronicles of ancient India describe numerous male non-heteronormative genders such as *napunsaka*, *kliba*, *pandaka* and *ardhanareeshwara*. The hijra construct in India, better known in classical circles as *tritika laingik*. Hijras are transgender person and cross-dressers who are part of Indian ethno cultural clans called gharanas. In short, such male persons wish they could become biological females. In India, such men form highly visible communities called hijra gharanas. There is drastic increase of hijra gharanas population over the several years in the society. Many health experts believe that being transgender is not the result of any one single thing. They consider that it is result of a complex mixture of biology, psychology and environmental factors which is not the same for all transgender people. The people externally communicate their gender identity to others through behaviour, clothing, haircut, voice and emphasizing of change their bodies' characteristics. Transgender individuals face injustice and discrimination in every aspect of their lives for example at schools, in workplaces, in doctors' offices and emergency rooms, in public places like grocery stores, restaurants and hotels. They think to commit suicide by negative social encounters like abuse, violence and social isolation. In this connection an attempt is made in the present paper to throw some light on perceived discrimination against transgender individuals at both public and private places.

Introduction

There are third gender people in the binary gender world known as transgender. The term transgender can refer to a range of people including transsexual people, transvestites, and cross-dressers. But most transgender people have an aversion the term transsexual because which emphasizes sex. This binary sexual worldview is understood in India where subgroups exist such as hijras, described as *tritika laingik* (third sex). The hijra better known in classical circles of India as *tritika laingik*. Hijras are transgender person and cross-dressers who are part of Indian ethno cultural clans called gharanas. In short, such male persons wish they could become biological females. In India, such men form highly visible communities called hijra gharanas. There is drastic increase of hijra gharanas population over the several years in the society. Many health experts believe that being transgender is not the result of any one single thing. They consider that it is result of a complex mixture of biology, psychology and environmental factors which is not the same for all transgender people. The people externally communicate their gender identity to others through behaviour, clothing, haircut, voice and emphasizing of change their bodies' characteristics. Transgender had been respected greatly in ancient and medieval history of India but the advent of Europeans or colonial period they lost the privileges which was enjoyed in the earlier periods. Transgender individuals face injustice and discrimination in every aspect of their lives for example at schools, colleges, at workplaces, in doctors' offices and emergency rooms, in public places like grocery stores, restaurants and hotels. They think to commit suicide by negative social encounters like abuse, violence and social isolation. In this connection an attempt is made in the present paper to throw some light on the historical respect was being given in ancient period as well as medieval and perceived discrimination in the contemporary society against transgender individuals at the public and private places.

Nomenclature

The transgender is an umbrella term which constitutes Aravanis, Hijras, Kinnar, Chhakka, Eunuchs, Kothis, Jogappas, Shiv-Shakthis etc. The Hijras of Tamil Nadu considered Aravan¹ as their ancestor and named themselves Aravanis. In the Indian languages seem the word hijra which formed from the Persian word hiz means 'someone who is effeminate or ineffective or incompetent'. The other commonly used word 'kinnar' and 'chhakka' whereas which is used in a disparaging context.² Eunuchs have existed since 9th

century BC. The root of the word is in Greek language “Euneukhos” means ‘bed chamber attendant’. There was large demand for castrated men to guard women palaces of royal households.³ Drag queens or Satla kothis the subcategory of hijras may be actually self identified homosexuals who become effeminate / put on effeminate mannerisms so as to attract males for receptive or insertive sex. Male temple prostitutes are called as jogta or jogappas. They are mostly male children dedicated to a goddess, who then ritually cross-dress for religious purposes.⁴

Historical evolution

Transgender persons not only had been part of Indian society for centuries but also historical evidence of recognition of third gender or persons not determine to masculine or feminine gender in the beginning writings of ancient India. Some of the Buddhist and Jain chronicles of ancient India describe numerous male non-heteronormative genders such as *napunsaka*, *kliba*, *pandaka* and *ardhanareeshwara*.⁵ Hinduism, Jainism and Buddhism can be generalized that Vedic culture recognized three genders. There are three kinds of *devas* of music and dance mentioned in the Puranas such as *apsaras* (female), *gandharvas* (male) and *kinnars* (third gender). The Tolkappiyam (3rd century BC) the earliest text of Tamil grammar make reference to hermaphrodites as a third ‘neuter’ gender along with a feminine category of emasculated males. The literature of Hindu mythology, folklore, epic and early Vedic and Puranas mentioned the concept of ‘tritiyaprakriti’ or ‘napumsaka’ which was being integral part them. The meaning of word ‘napumsaka’ had been denoted the loss of reproducing capacity. In the pre modern period various texts indicate that third gender individuals were well known and added male bodied or female bodied people as well as androgynous and that they can be often indentified from the childhood.⁶

During the medieval period Hijras played an important role in the Islamic rule in India. Particularly Malik Kafur was a eunuch of fantastic physical prettiness, who grew swiftly in official position. His ability was proven as a wise counsellor and military commander of Allauddin Khilji.⁷ The dynasties of the Khaljis and the Tughluqs had equipped a huge number of Turkic slaves. Muhammad bin Tughluq, the Sultan of Delhi had twenty thousand Turkic slaves of whom ten thousand were eunuchs.⁸ The Mughal household also employed large number of domestic eunuch slaves. They were used and changed between the external and internal life of the Royal household and served as guards, servants, business

agents for coroneted women in the harem and also acted personal confidants and assistants to the Mughal noblemen. For that reason the masters of eunuch had utmost trust on them due to their diverse services.⁹

The eunuchs had free access to all regions and all groups of people. Even though the king had male guards the eunuchs only escorted him and also entered within the living quarters or retiring rooms of the emperor.¹⁰ Akbar's time, the principal harem for ladies was Jodh Bai palace which was double storeyed building and its entrance was guarded by them.¹¹ The most trustworthy female guards were appointed inside the harem, while outside the area a contingent of eunuchs was posted.¹² The travellers informed that each concubine had her own apartment, protected by strong guards, into which entry was permitted only to eunuchs and maids.¹³ The important provincial offices had been filled with the slave-eunuch by the governor and the regional officials recruiting eunuchs, it became a system within Hyderabad.¹⁴ Aitmad Khan, a trusted eunuch had been appointed as diwan of the khalisa (crown lands), he made reforms in it and relieved Akbar of his fiscal worries.¹⁵ Therefore in the reign of Mughals, the eunuchs grew up as political advisors, administrators, army generals and guards of the harems. They played vital role for the empire building in the Mughal period because they regarded as clever, trustable and valiant loyal. They were also able to manipulate the decisions of the state as the closest to the Emperor and Empress. Thus the roles of eunuchs were crucial in the medieval era.

Though they were highly respected during the Mughal rule and also provided the provision of land, rights of food and slighter amount of money from the peasantry families in a particular region which were withdrawn during the colonial reign through British legislation because such land was not hereditary through blood relations. So in the British period transgender community lost civil rights and they were considered a separate caste or tribe in different part of India. The Hijras criminalization activities like kidnapping and emasculating children, attired like women and perform dance in public places. For such crimes punishments were awarded up to two years imprisonment and a penalty or both as per the Criminal Tribes Act of 1871.¹⁶ Hence the Hijars or transgender individuals committed such anti social activities and offences, their position and respect has been slowly diminishing in the society day to day.

Present conditions of transgender

Each human being in this Universe is indeed unique and an integral part of nature. The living conditions, discrimination and stigma against the transgender community are also unique. They are marginalised section of the society in India and face legal, social and economic difficulties. Reaching the political power is highly impossible to them. Few of the transgender individuals lead respectable life in the society. But most of them seen today are beseeching at public places, shops, bus stands, market places, railway stations, traffic signals and in running trains as well as during the wedding ceremonies. Besides their attire and style of beautification is also one of the important causes for degrading them in the society.

Transgender behavioural problems

Transgender means a person whose gender identity is the opposite of male or female biological gender. Another term that is used for a transgender person is transsexual. Most of the transgender individuals choose the term transgender instead of transsexual because it conveys 'sex'.¹⁷ The term transgender is sometimes also used to refer to a broader spectrum of people, namely those whose appearance and behaviours do not conform to the gender roles ascribed by society for people of a particular sex.¹⁸ Based on this concept such humans are being discriminated in the society. If a person belonging to transgender keeps the behaviour very secret because of infamy to them. Regarding the transgender behaviour many transgender individuals feel guilt and shame¹⁹ because negative social encounter with others, social isolation, violence, gender related physical and psychological abuse. Due to this ill-treatment and attitude of the society towards transgender, faced highest hazard of mental health problems like depression and suicidal thoughts which are common health related issues to them.²⁰ To avoid such tendencies of transgender some psychological and medical therapies have been attempted to curbing but none have been found to cure. The best cure of transgender person to be strong, become self- accepting and the society should understand their behaviour and appreciate diverse individuals in our culture.²¹

Discrimination and stigma

Transgender individuals or gender- variant people undergo stigmatization and discrimination in the gendered culture into which they could not fit easily. The following areas are being discriminated them.

1. These people are banished by the family as well as society which lead social isolation.
2. They were excluded from social and cultural life.
3. They could not use their basic civil rights.
4. They faced harassment, denial of services and unfair treatment against them.
5. Denial of admissions into educational institutions, health services and public places.

Present Status

To stop such inhuman practices in the society against transgender community the Supreme Court of Indian has delivered a landmark judgment in 2014. In which the Supreme Court said that “The transgender community, generally known as “Hijras” in this country, 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 verdict the Supreme Court authorized 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, transgenders, hijras and should have right to freely express their gender identity and be considered as a third sex.” Therefore in India the transgender individuals now onwards are treated as third gender.

Steps for Betterment

After the Supreme Court verdict the third gender emerged as strong group in the form of LGBT (Lesbian, Gay, Bisexual and Transgender) and fight for their rights. There was no identity for them in the society so that the Government of India issue identification documents such as census, documentation, issuing of the citizenship identity cards, issuing passports and constitutional safeguards for the transgender people. Some of the welfare schemes also introduced for them. During the Eleventh Five Year Plan period in The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) initiated and provide employment opportunities for third gender. So these measures supported for their social, economic and political transformation in the contemporary world.²²

Conclusion

Indeed every human being is unique. It would be wrong to judge or discriminate

people in the name of caste, creed, colour and gender that are the man made creation not by the nature. All humans are equal but in India this saying is disappear. There are large differences between the male and female as well as transgender. In India the transgender individuals popularly known as Hijras who are humiliated and discriminated based on the gender. In the Ancient time they were respected as 'ardhanareeshwara' and in the medieval era the transgender community was given high position in the reign of Delhi Sultanate and Mughals. But in the colonial rule of the British, hijras were lost their privileges. The Supreme Court verdict has brought full glow in the life of transgender individuals and recognized them as third gender. For improving the social and economic status of transgender, the Government of India also introduced welfare policy and schemes but these are not enough, for the advancement of this community. The Government should take steps to eradicate the stigma, discrimination and human rights violation. If all these measures implement strictly, the third gender lead their life happily.

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