

Research Article

A Sociological Analysis of Problems and Issues of Transgenders

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ABSTRACT

The transgender face terrific difficulties growing up in a society where heterosexuality is frequently presented as the only acceptable orientation and homosexuality is regarded as deviant. They continue to face discrimination and social exclusion across the world in all spheres of life. Homophobic violence and abuse targeting transgender people occur on a regular basis. There is a need to advocate for laws and policies that will protect everyone's dignity. Gender determines every aspect of our life including our name, clothes, hair length, appearance, behaviours, occupation, mobility and so on. In terms of categories of gender, one may use the two categories of, that is, cis-gender and transgender. The category of cis-gender is commonly referred to as man/male or woman/female. However, when people choose a gender other than the one assigned at birth, they fall under the category of transgender. The objectives of the study are: (1) To analyze the socio-cultural existence of transgender, (2) To study the problem of social exclusion among the transgender community, and (3) To study the problems faced by the transgender community and suggest suitable measures to ameliorate those problems.

Keywords: Transgender, Cis-gender, Social exclusion, Gender, *Hijra*, *Kinnar*, LGBTQ

INTRODUCTION

People around the world face violence and inequality and sometimes torture, even execution. Sexual orientation and gender identity are integral aspects of our selves and should never lead to discrimination or abuse. We document and expose abuses based

on sexual orientation and gender identity worldwide, including torture, killing and executions, arrests under unjust laws, unequal treatment, censorship, medical abuses, discrimination in health and jobs and housing, domestic violence, abuses against children, and denial of family rights and recognition. There is a need to advocate for laws and policies that will protect everyone's dignity.

In a significant judgement, the Supreme Court on 6 September 2018 ruled that consensual adult gay sex is not a crime. The gratification of instinctual sexual derive is imperative for the normal functioning of humans. Human Sexual orientation is natural and people have no control over it. The judgement, by the Constitution bench of the Supreme Court, has scrapped the British-era Section 377 of the Indian Penal Code (IPC), which deemed that gay sex is a punishable offence. Now, it is no longer an offence under section 377 to engage in consensual gay sex in private.

The decriminalisation of part of Section 377 of IPC may satisfy their instinctual biological gratification but their problems and issues remain unaddressed. The research will explore the implications and social impact of decriminalisation of consensual sex in their life.

It is clear that Transgender individuals who basically have a different sexual orientation, face discrimination, and exclusion from society, thus quite often, meet obstacles to satisfy their needs. This exclusion and ostracism could vary from the simplest personal relations to the most general social ignorance, exclusion, and ostracism, working simultaneously together, and can even violate the rights of life.

Transgender is an umbrella term used to describe people whose gender identity or gender expression differs from their assigned sex (sex that determines at the time of an infant's birth). Broadly, anyone whose identity, appearance or behaviour falls outside conventional gender norms can be explained as transgender. In India, transgender is visible in public, ridiculed in crude comedy in popular cinemas, and shunned and feared but tolerated at rituals where their presence is supposed to be auspicious. The literal meaning of transgender is 'beyond gender'. Transgender and trans-identified are terms to represent a wide range of gender identities and expressions. It means a person whose gender identity, outward appearance or gender expression transcends culturally defined categories of gender. Various transgender identities fall under this category including transgender male, transgender female, male to female (MTF) and female to male (FTM) transgender falls under the LGBTQIA, which stands for lesbian, gay, bisexual, transgender, queer, questioning, intersex and allies (Rajkumar, 2016, pp. 2249 –7382).

The life of a transgender is a daily battle as there is acceptance anywhere and they are ostracised from society and also ridiculed. They face a high level of stigma in

almost every sphere of their life such as health, schools/colleges, employment, social schemes and entitlements. Extreme social exclusion diminishes self-esteem and a sense of social responsibility. The community needs to be included in the mainstream development programme of the country and be protected from all forms of abuse and exploitation (Satashivam, 2012).

RESEARCH DESIGN

The study revolves around the problem and issues of transgender. The study has made an attempt to investigate the socio economic condition of transgender and the problem of social identity of transgender.

Objectives of the Project

The study is guided by four objectives as follows.

1. To analyze the socio-economic condition of transgender.
2. To study the problem of social identity and the existence of transgender.
3. Socio-impact analysis of scrap of Section 377 of the IPC.
4. To study the problems faced by the transgender community and suggest suitable measures to ameliorate those problems.

The analysis of empirical research is based on the design of a case study. The data is collected from both primary and secondary data.

REVIEW OF LITERATURE

Transgender People- Terminology and definition: Transgender term coined in the U.S. is used to include people whose lifestyles appear to conflict with the gender norms of society. In the use of the broad term, a gender person crosses the conventional boundaries of gender; in clothing; in presenting themselves; even as far as multiple surgical procedures to be fully bodily designed in their preferred gender role (Stephen Whittle *et al.*, 2007). Transgender is a term used to describe individuals who exhibit gender-nonconforming identities and behaviours, or in other words, those who transcend typical gender paradigms (Ryan and Futterman, 1997, pp. 207 –374). This broad category of people includes transsexuals, cross dressers and gender benders/blenders. According to World Health Organization (WHO), Transgender is a term used for people whose identity and expression do not conform to the norms and expectations traditionally associated with the sex assigned to them at birth; it includes people who are transsexual, transgender or otherwise considered gender non-conforming. Transgender people may self-identified as transgender, female, male, trans-women or

trans-men, transsexual, or, by a variety of indigenous terms used in a specific culture, such as *Hijra* (India), *Kathoe*y (Thailand), *Waria* (Indonesia), or one of many other transgender identities. They may express their gender in a variety of masculine, feminine and or androgynous ways (Atheeque and Nishanthi, 2016). In India, there is a wide range of transgender-related identities which include the *Hijra*, *Kothi*, *Arvaniand*, *Thirunangai*, *Jogtas/Jogappas* and *Shiva Shakti* etc. Several authors reported different terms for transgender as reported by Chakrapani *et al.* (2008); Prabhu (2016); Subbiah and Velusamy (2007); UNDP (2010) as well as the Ministry of Social Justice and Empowerment (2014).

Dr Ketki Ranade defines or describes who is a transgender person, it is necessary to establish a basic understanding of what gender is and how and who it is determined by. She stated that gender is assigned at birth but it may or may not match the person's idea of their own gender as they grow up. She explained that gender determines every aspect of our life including our name, clothes, hair length, appearance, behaviours, occupation, mobility and so on. It is also present in every document of identity, including birth certificates, ration cards, voter ID, pan cards, passports, driving licenses, mark sheets/grade cards and so on. Even public utilities like toilets, security checks at airports etc. are also gender-specific. In terms of categories of gender, one may use the two categories of, that is, cis-gender and transgender. The category of cis-gender is commonly referred to as man/male or woman/female. However, when people choose a gender other than the one assigned at birth, they fall under the category of transgender. Further, she also mentioned the Sex reassignment surgery (SRS) related to the transgender issue. She also informed that in India, there are also several local terminologies and identities in different States that are used to describe transgender persons. Some of these may further have specific socio-cultural religious connotations such as in the case of 'Hijras' and 'Jogtas'. While concluding the presentation she stated that the term trans spelt with an asterisk (trans*) is an umbrella term used to refer to all non-cis-gender identities and expressions and suggested that the term trans* be used in the place of the term trans gender (Report of the expert committee on the issues relating to transgender person, 2013, p. 31).

Issues of Transgender

- Being called *chakka* like it means nothing
- Bullying
- Blackmail
- Physical violence
- Kicked out of the house
- Denied to get jobs and education

Problems

Transgender people face tremendous difficulties growing up in a society where heterosexuality is often presented as the only acceptable orientation and homosexuality is regarded as deviant. They continue to face discrimination and exclusion across the world in all spheres of life. Homophobic violence and abuse targeting transgender people occur on a regular basis. In most EU Member States, same-sex couples do not enjoy the same rights and protections as opposite-sex couples and consequently suffer from discrimination and disadvantage in access to social protection schemes, such as health care and pensions. In the labour market, a majority of transgender people continue to hide their sexual orientation or endure harassment out of fear of losing their job. Particularly vulnerable are young transgender people who experience estrangement from family and friendship networks, harassment at school and invisibility, which can lead in some cases to underachievement at school, school drop-out, mental ill-health and homelessness. The discrimination not only denies transgender people equal access to key social goods, such as employment, health care, education and housing, but it also marginalises them in society and makes them one of the vulnerable groups who are at risk of becoming socially excluded (http://www.ijims.com/uploads/cae8049d138e24ed7f5azppd_597.pdf).

Transgenders in India

Indian Census has never recognised the third gender, that is, Transgender while collecting census data for years. But in 2011, data on Transgender were collected with details related to their employment, Literacy and Caste. In India, the total population of transgender is around 4.88 Lakh as per the 2011 census. The data on Transgender has been clubbed inside 'Males' in the primary data released by Census Department. According to the census 2011 (Table 1), the total population of transgender is 487,803 which comprises a child enumeration of 54,854. The SC transgender is 78,811, the ST transgenders are 33,293 and the total average literacy rate of transgender in India is 56.07%. The highest transgender population resides in Uttar Pradesh, comprises of 137,465 population followed by Andhra Pradesh (43,769) and Maharashtra which comprises 40,891 transgender population. The lowest transgender-populated state in India is Lakshadweep which comprises two transgender.

ANALYSIS AND INTERPRETATION

It was difficult for me to approach transgenders, as they were not comfortable and reluctant to respond to the questions. It was difficult for me to convince them to do the interview. I seek the help of a person named Arif, a plumber by profession, who

Table 1: Population Status of Transgender in India

State	Transgender	Child (0 –6)	SC	ST	Literacy
India	487,803	54,854	78,811	33,293	56.07%
Uttar Pradesh	137,465	18,734	26,404	639	55.80%
Andhra Pradesh	43,769	4,082	6,226	3,225	53.33%
Maharashtra	40,891	4,101	4,691	3,529	67.57%
Bihar	40,827	5,971	6,295	506	44.35%
West Bengal	30,349	2,376	6,474	1,474	58.83%
Madhya Pradesh	29,597	3,409	4,361	5,260	53.01%
Tamil Nadu	22,364	1,289	4,203	180	57.78%
Orissa	20,332	2,125	3,236	4,553	54.35%
Karnataka	20,266	1,771	3,275	1,324	58.82%
Rajasthan	16,517	2,012	2,961	1,805	48.34%
Jharkhand	13,463	1,593	1,499	3,735	47.58%
Gujarat	11,544	1,028	664	1,238	62.82%
Assam	11,374	1,348	774	1,223	53.69%
Punjab	10,243	813	3,055	0	59.75%
Haryana	8,422	1,107	1,456	0	62.11%
Chhattisgarh	6,591	706	742	1,963	51.35%
Uttarakhand	4,555	512	731	95	62.65%
Delhi	4,213	311	490	0	62.99%
Jammu and Kashmir	4,137	487	207	385	49.29%
Kerala	3,902	295	337	51	84.61%
Himachal Pradesh	2,051	154	433	118	62.10%
Manipur	1,343	177	40	378	67.50%
Tripura	833	66	172	181	71.19%
Meghalaya	627	134	3	540	57.40%
Arunachal Pradesh	495	64	0	311	52.20%
Goa	398	34	9	33	73.90%
Nagaland	398	63	0	335	70.75%
Puducherry	252	16	40	0	60.59%
Mizoram	166	26	1	146	87.14%
Chandigarh	142	16	22	0	72.22%
Sikkim	126	14	9	37	65.18%
Daman and Diu	59	10	1	2	75.51%
Andaman and Nicobar Islands	47	5	0	3	73.81%
Dadra and Nagar Haveli	43	5	0	22	73.68%
Lakshadweep	2	0	0	2	50.00%

Source: Census (2011)

assist me in my field work. Arif is well acquainted with them as he is a regular visitor of *Dargah Barchhi Bahadur* —a shrine in Aligarh. The transgenders used to visit the *Dargah* regularly.

Arif accompanied me to another *Dargah* which is situated behind Grand Surjit Nai Basti, Aligarh, where I met my first respondent. She was sitting at the centre of the main entrance and the only place where some people with long hair and beard leaning around her. First, I introduced myself and convinced her of the cooperation. She reluctantly agreed to respond to my questions.

Her name is Chavanni Mai Qadri Kinnar. She is 35 years of age. She is a Muslim by religion. She is the *Guru* of transgender. The *Guru* is the highest elected and nominated representative of transgenders in a locality. *Guru* enjoys political, social and cultural power. He regulates the lives of transgender and gives them protection and refugee. He looks after the issues and problems of transgender under his control living in a definite locality. The highest authority of all transgender in Aligarh is the *Guru* named Haji Shamshad. He lives in Shahjamal, Aligarh.

Casing: To Analyze the Socio-economic Condition of Transgender

Chavanni Mai is the *Guru* of transgender and holds the political and social power among transgenders. She lives in *Dargah*, to control and regulate the lives of transgenders. She enjoys social power and privileges due to her control over the *Dargah*. People from different faiths get blessings from her. People across the faith have this belief that transgenders' blessings and curses have divine power and it affects the lives of the people. Chavanni Mai being herself the regulator of *Dargah* has a cumulative impact on people's belief that her blessings matter a lot to them. In seeking blessings for their children, people offer some money to her. She feels proud to take refuge in *Dargah* and enjoys authority. She responded that transgender s don't have an economic problem as they have the blessing from God to bless or curse people on some social and cultural events. She said that at weddings, births and other functions important for them to bless people and earn money from them, and their presence at such social and cultural events belief to be auspicious. She replied that we are blessed and don't have any economical problems. I found that her response to this indicator is subjective to her orientation, as she enjoys socio-political power and sidelined the real issues of social, economical and political problems of transgender in general.

Casing: To Study the Problem of Social Identity and Existence of Transgender

Chavanni Mai responded and briefed that she has been brought up in a family where she has five brothers and two sisters. She got basic schooling at home. She was a

boy by birth. She realised and explored her sexual orientation at the age of 10 years. She started behaving according to her sexual orientation which was not acceptable to her family. She has been beaten and threatened by the family members to behave boyishly. Her fellow students at school started bullying and making fun of her. She has been physically and psychologically traumatised at school, neighbourhood and with family. Once she felt to commit suicide but didn't dare to do so. Then people started taunting her to accommodate her own grouping of transgender. She felt to be different and difficult to adjust to the cis-gender category. She has been harassed at home, among peers, neighbourhood and in kinship. She has a psychological dilemma to behave like a boy or girl. She even felt hesitant to use male toilets in public, as toilets in India are limited to male and female and has no provision for the third gender. She faces the problem of cultural identity and existence to accommodate binary gender grouping. She was compelled to take refuge under the *Guru* of transgender, where she was welcomed and charmed. She gradually started accommodating herself in transgender grouping.

Casing: To Delineate the Health-related Issues of Transgender

Chavanni Mai said that she used to have health-related problems. Often it happens to transgender to fall sick for one or another reason. She said that there is a physician near them named Dr Sanjay. They visit Dr Sanjay whenever any of them falls sick. Dr Sanjay never charges a single buck for their treatment. She further responded that on visits to hospitals for serious issues they prefer to adjust among women than men. On nature calls, they feel better and more comfortable using female toilets. They have given the female wards for their stay in the hospital. On the health issue of STDs/HIV/AIDS, she said that as per her knowledge no one has ever preyed on HIV/AIDS but some issues may be of STDs.

Casing: Socio-impact Analysis of Scrap of Section 377 of the IPC

She was well aware of this historic decision of the Apex court in India to scrap section 377 of IPC. She said that it is very much related to those transgenders who have the sexual urge but not to those who don't have it. She replied that there is no effect of the scrape of article 377 on her life.

Casing: To study the Problems faced by the Transgender Community

She responded that there are many social, cultural, political, physical and psychological problems of transgender. Transgender face many problems like homelessness, harassment of transgender Students in Schools, psychological distress, dropping out of school earlier, leaving home and family, being unable to find regular jobs, having

fewer options than others, being ignored in the community and being isolated, lack of family and social support, and migrate to other countries for seeking safer livelihood and acceptance, attempt suicide.

ANALYSIS

Transgender is considered the third gender. They have many social-cultural, economical, and political problems in their life. My first respondent was a Transgender *Guru*. His interpretation of my questions is different than those of general transgender. The social structure of the transgender community may be conceived from the authority of *Gurus*.

Chavanni Mai, the *Guru*, enjoys the socio-cultural, political and economic privileges among the transgender community in general and society in particular. In addition to it, he also enjoys the position at *Dargah*.

According to him, the transgender is a unique identity which possesses the divine power of blessing and cursing people. On the basis of that divided power, they regulate their economic lives. Their presence at some socio-cultural events like births and marriages is considered auspicious. They bless newlywed couples and infants at birth in exchange for money. This way they regulate their socio-cultural and economic lives. He said there is no poverty in the transgender community. They can earn money and enjoy life anywhere at the length and breadth of this country. It was a biased and subjective interpretation of the questions under study. He was conditioned with the authority that he enjoys as a *Guru*. He was over-empowered regarding his thought of the divine power of blessing and curse that they possess.

CONCLUSION

Transgenders live their life in difficult conditions and face stigma in their day -to-day life. Govt. of Sikkim, Rajasthan and Tamil Nadu provide pensions to TG community people. Rural Ministry employs them under *Rajiv Awas Yojana*. There are many issues and problems faced by them but some issues need immediate intervention like enumeration, health, employment, identity etc. Political will was essential for the development of programs and policies for the community. There is a need for the establishment of a Commission on Transgender and the protection of Transgender culture. The nodal Ministry should coordinate with all the State Governments and departments to integrate them into the Society. Most of the Transgender are poor and illiterate and Govt. of India is the only source for the rehabilitation and upliftment of *Kinar* community. Government should take housing and health measures for the welfare of the Transgender Community. Tamil Nadu Govt. has a provision of Rs. 2000/- per month for every Transgender.

Discrimination starts in the family and continues for the entire life. Taking corrective actions and sensitising society and families would be a great contribution to the community's cause. There is a need of setting up a 'Hijra' Welfare Commission on the lines of the Commission for SCs & OBCs. The research and documentation need to be carried out on transgender and the name of *Kinar* should be replaced by a Holy name. Department of Social Welfare Govt. of Delhi informed that Transgender Community is eligible for an old age pension of Rs. 1000/- per month in Delhi State. The scheme will help to recognise the community as a beneficiary in other schemes of the government.

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