

VIOLETION OF HUMAN RIGHTS OF 'THIRD GENDER' TRANSGENDER: A SOCIOLOGICAL STUDY

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Abstract

The society we live in is known for diversity where various kinds of religion, language and culture and gender exist. On political level it is presented that all are equal but socially it is not true. Patriarchy still exists where men are supreme, women are given second position and transgender are known as third gender or sex not known. Gender based discrimination still persist and very common in Indian society. We all humans though our gender attributes are different but on the basis of gender discrimination is found in all societies. Especially transgender is discriminated and misbehaved in all spheres of society e.g. education, job sector, social exclusion and health care's department. Present study will focus what challenges transgender face and how societal behavior forces them to live an oppressed life.

Keywords: - Gender identity, discrimination, violence, transgender rights.

INTRODUCTION

The third gender, that is, "Transgender" signifies those individuals who are different in their biological constructions. The word "Trans" means a general term used for the people who use a different gender identity other than their assigned sex by birth. In our society they are known as hijras, sakhis, jogtas and joggapas. Transgender face discrimination and violence in almost all spheres of society. Mainly two genders are given recognition in other society, transgender's are known as third gender only. In many places their gender category is mentioned as 'gender not known.' This community is not new if we look back in history then in mythological times also, they were existing.

According to Hotchandani (2017) although there are constitutional rights for transgender but still, they are denied to their basic rights like right to liberty, freedom of expression, and right to Education, civil rights and rights against exploitation and violence. Mondal (2020) studied that discrimination and prejudice against transgendered people within society exist. This research explores the lived realities of transgenders who enter the Hijra community and the various forms of social exclusion that these individuals face.

OBJECTIVES OF THE STUDY

- To raise awareness and shed light on the violation of human rights faced by the 'third gender' transgender community in society.
- To highlight the challenges and discrimination experienced by transgender individuals in various aspects of life, including education, employment, healthcare, and social inclusion.
- To emphasize the urgent need for societal change, government support, and sensitization programs to ensure the protection and fulfillment of the human rights of transgender individuals.

To inspire action and promote a more inclusive and equitable society where all individuals, regardless of their gender identity, are treated with respect, dignity, and equality.

RESEARCH QUESTIONS

What are the major challenges and barriers faced by the 'third gender' transgender community in accessing education, employment, healthcare, and social inclusion?

How does societal discrimination and prejudice impact the mental health and well-being of transgender individuals, and what are the potential avenues for providing psychological support and intervention?

What measures and policies can be implemented by the government and other stakeholders to protect and uphold the human rights of transgender individuals, with a specific focus on addressing issues related to discrimination, violence, and legal support?

CHALLENGES FACED BY TRANSGENDER PEOPLE

The challenges faced by transgender people are as under:

Discrimination, Social Exclusion and Homelessness: Transgender are excluded by family and society. Sometimes if family wants to keep their transgender child with them, society forces them to abandon that child if they want to live in a so-called civilized society. Transgender are thrown out of their homes and live with another transgender. They become homeless and rejected by family and society as well. If any transgender wants to take a house on rent even then people hesitate to rent out their place to a transgender.

Lack of Education: The majority of transgender people in this community are either illiterate or less educated. After acknowledging the gender of child many families abandon these children. Transgender live in poverty and isolation. Lack of family support and need of survival enforce these children to do petty works. In this situation how can we imagine that these students will be enrolled in the schools? Secondly even if some children manage or dream to take admission in school, school authorities do not provide them education opportunities. According to Nagarajan (2021) as per 2011 census of India the literacy rate of transgender people was only 46 percent as compared to literacy rate of general population which was 74 percent. Shivakami (2011) examined research which was conducted on 120 transgenders in Coimbatore city and it was found that only 56 percent have attended primary and middle schools. Several of them were hesitant to go school after noticing the physical changes in them and most of them were belonged to poor families. According to NHRC

report (2017) dropout cases of transgender people was high as 52 percent were harassed by their classmates and 12 percent their school teachers.

Unemployment: There is no post advertised for transgender either in private or public sector. Transgender are not provided job opportunities and reservations in jobs. It is not an easy task for transgender to get a job. Circumstances forces them to indulge in sex work, begging and dance work in bars. Even those who complete their education facing these difficulties and anyways get jobs are never given respect and value at workplace. They are not given responsible duties and staff and colleagues also hesitate to mix with them. They are discriminated, harassed and gossiped at workplace. There are various examples when transgender is exploited and not given the job opportunities though they had qualified the tests. According to Economic and Political Weekly report (2013) in Tamil Nadu, a young athlete passed all selection tests for police force and only medical test was pending to get her job. During her medical examination it was revealed that she was a transgender so job was not offered to her though she had required qualifications and passed all tests for that job. Similar case happened in Maharashtra where a young woman was denied job after passing all tests because she was recognized as transgender. Another young woman in Tamil Nadu was not allowed to appear UPSC exam because she was a transgender. She filed an appeal and RTI but all in vain. According to the survey conducted by NHRC in year 2017 almost 89 percent of transgender do not get jobs despite of having required qualification and skill. Many times, circumstance then compel them to indulge in sex work for survival.

Lack of Access to health care services: Though we talk about the fulfillment of basic rights for all like food, shelter, access to health care services etc. but these rights of transgender are often violated. They are not taken seriously when they go to health care centre. Health care providers ignore their medical needs. People make joke on their gender identity and behave very badly with them. Most of the transgender encounter segregation by doctors or have been health insure due to their gender identity. The National AIDS Control Organization (NACO) reported that in 2015-16 HIV prevalence rate among trans population was 8.82%, and it was recorded second highest amongst the high-risk groups.

No Right to Marriage and Adoption: Transgender have no right to marry. They cannot marry a person of their choice. The main obstacle for the transgender community to a legal marriage is having children. Transgender persons have had difficulty obtaining the fundamental right to marriage due to the social construct that two people must be legally married in order to have children. They have no right to adopt a child if they wish to. Many times, it is seen that transgender help children though legally they cannot adopt any Child.

Violence and Lack of Legal Support: There are many incidents of violation against transgender but these people have not given any legal support. Though there is Protection of Right Act, 2019 introduced but no special dealings with the right of transgender people. They face various kind of assaults sexual violence, physical violence, gang raped, arrested arbitrarily but no body to help them.

Mental Challenges Faced by Transgender: Transgender are discriminated, stigmatized, abused- verbally, physically and mentally. They struggle with anxiety, depression, suicidality as well. They don't seek help of psychologist due to avoid further discrimination and lack of money. They daily face such incidences in their lives and try to find some ways their own to cop up with their stress and mental issues.

SUGGESTIONS

The suggestions are as such:

Seminars, workshops and training programmes on transgender sensitization especially for police officials, health care providers and civilians will help the community to improve the status of transgender in society

In all government planning schemes, there should be some seats for transgender also. They must be treated as citizens of country and recognition should be given to them.

There should be strict punishment if transgender is discriminated in educational institution, work place or any other public place.

Reservation in education and jobs should be given to transgender people.

Helpline numbers for transgender people is also needed to access help and support.

CONCLUSION

Transgender face many challenges in their day-to-day life. They are treated as a marginalized population. They are mistreated, physically, mentally, sexually, economically abused and they have no support to seek help. No reservation in education, jobs and even in politics they are allowed. They lack even basic amenities to live a normal life. Human rights of transgender people are violated. Additionally, transgender people are less aware of the fundamental rights that have been granted to them. The law for transgender people is insufficient at this time, and more changes are required before they can live honorably. It is the duty of government to make some schemes for them. It is also important to organize sensitization programs for health care workers, police official and even for civilians to change their mind set up for transgender community.

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