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# Transgender Experience with Social Stigmatization, Violence and Discrimination: A Qualitative Study in Kashmir

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**Abstract:**
*The rationale of this paper is to accentuate the socio economic conditions of transgender community in Jammu & Kashmir. The term Tran's man refers to female-to-male (FtM) transgender people, and Tran's woman refers to male-to-female (MtF) transgender people. Some transgender individuals experience their gender identity as incongruent with their anatomical sex and may seek some degree of sex reassignment surgery, take hormones or undergo other cosmetic procedures. Others may pursue gender expression (masculine or feminine) through external self-presentation and behavior. There is no Transgender welfare Board therefore the problems of the third gender remain unattended. They face harassment from multi-dimensional sources, from parents, teachers, peers, society and it includes each sphere of their lives. There is an immense need to address their problems in order to make them fully functional human beings by guaranteeing and safeguarding their rights. The Supreme Court of India recently decriminalized section 377 of the Indian Penal Code to outlaw the unfair violence and discrimination against transgender people. The paper argues that despite the legal acceptance of Section 377, the discrimination and social exclusion of transgender people continue in the Indian public sphere. The method of Interpretative Phenomenological Approach has been used to analyze the interviews of five transgender people from Jammu city. The findings suggest patterns and relationships within the data which are useful for understanding various ways in which transgender people negotiate and contemplate their lives outside the known social network they resort to. By analyzing the interpretations of selected transgender people, the study reveals that they bear the brunt of social and economic exclusion due to their gender identity on day-to-day basis.*

**Keywords:** socio economic conditions, social recognition, marginalized, harassment.

## INTRODUCTION:

The term transgender "doesn't just refer to people who have had or want a sex-change operation to make their bodies match their internal feelings […] it applies to many different kinds of people who don't fit neatly into society's binary concept of gender" (Thompson, 2015, p. 7). In other words, "[t]ransgender is an umbrella term […] that include[s] people whose lifestyles appear to conflict with the gender norms of society" (Whittle et al., 2007, p. 6). It is also used to describe "Gender Variant people who have gender identities, expressions or behaviors not traditionally

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associated with their birth sex" ("Gender Variance," 2001, available online). Transgender is a broad term for people whose gender identity, expression, or behavior is different from those typically associated with their assigned sex at birth. The transgender are individuals of any age or sex whose personality, appearance, attitude, behavior or personal characteristics differ from stereotypes which means there is a difference of identity. Transgender is the state of one's "gender identity" not matching one's "assigned sex". People who were assigned a gender, usually at birth and based on their genitals, but who feel that this is a false or incomplete description of themselves." (USI LGBT Campaign Transgender Campaign, 2007). Transgender include transsexual, cross dresser, transvestite, consciously androgynous people, gender queer people who live cross-gender, drag kings, and drag queens. Most of the transsexual are born male but see themselves as women. In other words, not all Transgender people are transsexual, but all transsexual people are Transgender. The term "transman" refers to female-to-male, Transgender people, and "transwoman" refers to male-to-female Transgender people.

The empowerment of the socially excluded sections of the society has to be gender, class and caste inclusive. The socio- economic problems like less psychological health care, social exclusion, unfriendly attitude from society, sexual & physical abuse, low socio economic status, low monthly income, lack of education, less family care, no ownership in property, lack of proper housing facilities & poor physique are the burning issues related to transgender in India in general and Kashmir as well. For social justice every section of the society has to give equal opportunity and developed equally. Hence keeping the above discussion in view the present study is taken to describe the problems related to transgender community in Kashmir valley.

## TRANSGENDER COMMUNITY IN INDIA

As per the Census of 2011, the total population of Transgender in India is 4.88 lakh**.** The top three states with highest concentration of self-identified transgender in India are Uttar Pradesh, Bihar and Maharashtra. The Transgender community in India, represented largely by **Hijras** (Biological males but reject masculine identity) and **Kothis** (Represent themselves as male), **Aravanis** (Woman wrapped in male body), **Jogappa** (Serve as servant of Goddess Renukha Devi), **Shiv-shaktis** (Males but have feminine gender expressions). There are roughly one million Hijras in India, representing approximately one in every 400 post pubertal persons born male. The vast majority live in slums with limited job opportunities. Their basic survival, sources of income and everything are removed and they are forced to a pathetic life. Generally most of the Transgender are engaged in sex work and begging. In 1972, Sweden was the first country to pass special legislation regulating surgical and legal measures required for sex reassignment, thereby granting the sex-reassigned person the rights and obligations of the new sex (Wålinder & Thuwe, 1976). Japanese have a positive attitude towards transgender. In March 2000 Shabnam Mausi, or "Aunt Shabnam" as she is affectionately known, became the first Hijra to be elected into Indian parliament and since then many others have taken her lead by successfully entering the political arena. . In March 2000 Transgenders were factored into the Governments policy making for the

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first time when they were named as a target group for a breakthrough de-addiction programme. Only 46% of transgender are literate as compared to 74% literacy rate amongst the general population. Those who continue to be part of the education system often report harassment, bullying, physical and sexual abuse at the hands of older classmates and peers.

**TRANSGENDER COMMUNITY IN KASHMIR:** As per census 2011 of India the number of transgender in Jammu & Kashmir is 4,137 in which 487 are in the age group of (0-6) years of age, whereas 207 are SC & 385 are belonging to ST category. The literacy rate of transgender in Jammu & Kashmir is 49.20 percent

Transgender are asking the government to help them achieve financial independence, and they are calling on Muslim leaders to foster the bedrock Islamic virtues of tolerance and acceptance. As far back as the 16 century, transgender enjoyed a special respect in Jammu and Kashmir State (**Dabla**) They were considered caretakers, trusted messengers and skilled entertainers during the Mughal period". But today they have to face discrimination. Today most Kashmiris consider any form of gender reassignment unacceptable. Families reject transgender for fear of being shunned by society, and society scorns them because their families have turned them away. Regardless of how transgender identify themselves, the Indian government – and its Kashmiri administrators – record their sex as the one they had at birth. (**Dabla**).

The prevalence of transgender will not become apparent to Kashmir's until their rights are protected, they are a minority group like disabled people, but still there are no legal provisions for them. People in Kashmir don't support transgender they are considered abnormal and eventually become outsiders. Society assumes that they are only meant for matchmaking or singing and dancing. Due to bullying and a hostile environment, they are forced to leave their studies, which make them ineligible for white-collar jobs," (**Bund**).

In order to be fit psychologically, sexually and socially at the certain instances it becomes mandatory for them to invent such support systems where they can vent off their repressed feelings. They leave families and start living on rent. In order to be fit psychologically, sexually and socially at the certain instances it becomes mandatory for them to invent such support systems where they can vent off their repressed feelings. They leave families and start living on rent. Getting an accommodation on rent for transgender in Kashmir is not easy either. Rarely house owners provide them rooms only if they behave 'properly'.

Old age is most probably the worst phase in the life of a transgender as they are either disowned or have snatched ties with their families. For a transgender working in old age is not possible. They cannot return to their families instead choose to struggle against the illness, poverty, poor health and isolation.

Death brings end to everything except the sufferings of this lot. Death in most of the cases brings another problem as the dead body of a transgender is not being buried normally (**Bund**).

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Transgender community is exposed to health related issues STI and HIV due to poor sanitation conditions and lack of education. The social exclusion of this community is another major problem. The report also recommended that the community necessitate a variety of solutions and actions. (**UNDP).**

The interactions with the elderly community that transgender people were not only work for royal Mughal families, particularly the womenfolk, but were also close to the elite families of that period. Their close association with the palace would help them in two ways – earn respect within their families and in the society (**Khan**). In most of the cases they fail to pay the rent on the prescribed times because of the lack of livelihood sources as the traditional occupations that is *manzimyaras* (match making), and *natchuntegaewun* (performing in marriage ceremonies) of transgender community are diminishing in many ways. Therefore, shelter is always an unending search for security, safety and dignity.

## PROBLEMS FACED BY TRANSGENDER COMMUNITY

Transgender people belong to the marginalized group of the society that faces legal, social, cultural and economic difficulties. Some of the problems include:

A. Transgender people are economically deprived & considered as weaker sections of the society.

B. They are being harassed & beaten up to live inside the walls of the house in order to save the respect of their family members when their identity is being known.

C. They are facing discrimination in terms education, employment, entertainment and justice etc.

D. Like normal people, they are not entitled to take education in schools and colleges. Even in terms of education, they are treated differently.

E. These people are treated badly or oppressed by people in power. They are prone to struggle for social justice because of their identity as Transgender.

F. Old age financial insecurity.

G. Transgender people have resulted in mental health issues like depression, suicidal tendencies, panic disorders, obsessive compulsive disorder and post-traumatic stress disorder.

## SUPREME COURT JUDGEMENT

The Supreme Court has directed Central and State Governments to grant legal recognition of gender identity whether it is a male, female or third gender. Apart from this, they are also directed to legally recognize for people who are transitioning within male/female binary. Proper health and

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sanitary facilities to Transgender must be ensured by Centre and State. They are asked to provide various welfare schemes to treat the community as socially and economically backward classes.

**RIGHTS OF TRANSGENDER PERSONS BILL, 2014**

On 24th April 2016, a private members bill entitled "The Rights of Transgender Persons Bills, 2014 was passed by the Rajya Sabha and introduced in the Lok Sabha. The Bill deals with the different aspects like Social inclusion of Transgender, their rights and entitlements, financial and legal aids, education and skill development and prevention of abuse, violence and exploitation of Transgender.

**SOME KEY SUGGESTIONS:**

a. There should be the Transgender welfare board in Jammu and Kashmir.

b. Sensitize police about the human rights abuse of the transgender community and take appropriate steps to stop abuse, and consider creation of special cell for this purpose

c. Train and sensitize public health care providers on sex reassignment surgery and other health issues and provide community friendly services free of stigma and discrimination.

d. Government should formulate such programs which will ensure the social, economic and political rehabilitation of transgender.

e. Prevention of trauma, violence, physical torture, emotional harassment by society Awas yojna benefit should be extended to Transgender Community.

f. There should be compulsory sexuality/gender education at grade school and at college level. School syllabus must be modified to include education on LGBT persons. Introduction of scholarships for gender non-conforming persons at state and national

g. Address the social needs of Transgender including housing and employment needs.

**CONCLUSION**

In spite of various hardships in day-to-day life, the transgender community has enormous needs to be described further and strengthened. Moreover the factors (protective factors such as acceptance, social support, education, employment, health-care services, and social inclusion) which facilitate them to develop their life.

Constitution of India framed a well established fundamental rights related to transgender they are entitled to the four important provisions of Fundamental Rights. Right to Equality under Article 14. Article 15 speaks about the prohibition of discrimination on the ground of religion, caste, sex or place of birth. Article 21, ensures right to privacy and personal dignity to all the citizens.

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Transgender people are called —*laanch* in Kashmir which in itself is stigmatization and a ground of discrimination. They face unfairness in every aspect of life be it employment, legal recognition, access to social resources including decent life standard and education. For all of them the struggle usually starts from an early phase. The non conformity, to their prescribed gender roles makes them vulnerable and often leads to verbal and corporeal abuse at the hands of their parents, siblings and other family members. The intimidating environment even prevails at schools and other educational institutions which almost certainly force them to leave studies in order to avoid the mocking and harassment which leads to the mental trauma.

Thus there is an immense need to intervene at individual, society, community and policy level to safeguard the rights of transgender and have a great responsibility to initiate appropriate interventions.

Even though each of the public spaces mentioned differs from each other in terms of their appearance and usefulness, they all standardize and communicate the privileges and penalties of binaries. This implies that the public sphere controls the public space "within each physical setting" This also illustrates the fact that opposing the norms and making amendments in the law may not necessarily bring about change.

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