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Analysing Trans-gender Community: Meaning and Theoretical Perspectives

Ms. Jayashree Sarma, *Asst. Prof, Dept. of Political Science, Kokrajhar University, Assam, India*

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Abstract

The societal construct shapes human relations, defining norms and conditions that influence communal dynamics. Throughout history, the process of categorizing individuals has fostered cooperative communities and along with perpetuated exclusionary behaviors to transgender individuals. The present paper aims to unravel the complexities surrounding the meaning of transgender through a qualitative exploration. The research tries to advocate for a more inclusive and equitable society. In a country where freedom, enlightenment and development are espoused, the persistent marginalization and dilemma surrounding transgender communities underscores a failure to uphold democratic principles. This paper endeavors to foster greater awareness and understanding of transgender communities in India, laying the groundwork for future research endeavors and advocating for the recognition and empowerment of this marginalized demographic.

Keywords: Transgender, third-gender, LGBTQIA+, Queer theory

Introduction:

A society determines the norms and conditions for human relations. The evolution of society goes back to the time of homogenising humans into categories. This process had, on the one hand, created a community of different people who share an amicable and cooperative relationship. But man himself, on the other hand, deprives others to be included into that community. This need of inhabiting with similar people had over time developed the ugliest trait in humans, which is to discriminate those who are different in one way or the other from the rest. One such category is the Transgender category which is regarded as different for their unique gender orientation. Trans-genders exist all over the world in every society, sometimes being forefront members of the community while sometimes relegated to lower strata. India is a multicultural and multi-ethnic country. Indian society presents a unique and multiple perspectives with regard to this particular group of people i, e. the transgender people. This is true in respect of almost all regions and societies of the country.

Objectives:

The status of transgender people in the society is a complex one. Their position in the society and their identity still pertains to create a huge dilemma in the society. Therefore, the main objective of the study is to understand clearly about the meaning of transgender in a broad sense. Who is transgender, what is the meaning of transgender, who are regarded as third-gender and what are the complexities of the term transgender in relation to hijra and transwomen are the specific objectives of the study.

Research methods:

The study is based on secondary sources. Qualitative approach has been adopted to carry out the research. The necessary data and information are collected from various secondary sources like books, journals, articles, government reports, newspapers etc.

Literature Review:

The study of existing literature on the research subject is a very important step in any kind of research work. When one reviews existing literature, it not only clears one's opinions on the subject matter but also helps one to understand the theories, opinions, interpretations and viewpoints existing in that particular area of research. In order to have a clearer understanding of the present study, a number of existing literatures were explored.

The book "Foucault and Queer theory (Post-modern encounters)" by Tamsin Spargo has very much helpful for understanding the connection between Foucault and Queer theory. This book has given an overview of Foucault's work and how it is related with queer theory. It is very much helpful for understanding the interrelationship between Foucault's ideas of knowledge, power and sexuality with queer theory. How homosexual grew out of a particular context in 1870s and the Victorian sexual repression ideas about homosexuality are discussed in detail in this study. The present research has also highlighted how Victorian influence has made the position of transgender in society as a disrespected one.

The researcher has taken help from the book "Queer Studies" by Kaustav Bakshi and Rohit K. Dasgupta. This book explains the concept and theory of "Queer" in the Indian context. It analyses the different issues related to Queer studies focusing on Malaysia and China. It also studies the possibilities and resistances of queer studies in Indian academia.

The book "Gender trouble: Feminism and subversion of Identity" by Judith Butler is helpful for understanding about the role of society for developing gender identity. How a particular category of individual started performing the prefix gender role of society is clearly discussed here. The book stated that gender is not fixed. Sometimes male behave and think like a female and vice versa. Society prefixes some role for male and female and wants them to behave like on that particular way. If someone refuses to do so then they are not acceptable by the society.

Abhijit Rohi in his article "Decriminalizing Homosexuality: Looking Through the Eyes of Indian Society" has given a brief history of Indian homosexuality. It gives a detailed explanation of section 377 of the Indian Penal Code and mentions the recent changes to the concept of homosexuality and the impact on society after the decriminalisation of homosexuality.

"Gendered Bodies: The Case of 'Third Gender' in India" by Anuja Agarwal starts with an analysis of sex-gender distinction and its critique. It also explores anthropologists' discovery of multiple gender systems and describes hijras in different categories like in

colonial literature, as tribe or caste, the public and private appearance of the hijra community. After going through a number of select literature on the concerned research area, the researcher has found that there is a gap in the studies conducted centring around the transgender community in India as well as in Assam. A very limited number of studies have been conducted in this area of research and even those studies have been of a very limited periphery. Those studies have failed to explore all aspects of Transgender life and the problems and issues that they are dealing with.

Understanding Transgender: A Study on the Rights of Transwomen and Hijras in Assam is a thesis submitted by Nandita Deka to Gauhati University. This work helps understand the status of the transgender particularly transwomen and hijras in Assam. A brief historical evolution of transgender people' status in India and Assam is also discussed here.

Significance:

Society has always operated under certain structures. Categorising human being into male and female is one of such a structure. However, while doing so a significant amount of the population might sometimes be excluded and left behind. Denial of basic rights and opportunities to certain section of the society will never lead to the fulfilment of true democratic principles. When the world was moving towards freedom, enlightenment and development, a large amount of the population in India remain excluded due to their distinct identity. The transgender community of India is foremost among them. The Indian society as a society of embracing difference, has miserably failed to embrace the LGBTQIA+ community. Unlike minority, linguistic, cultural, ethnic and religious communities of the country, the transgenders are denied basic rights in the country as well as participation in the public. Ignorance of general public is the other major concern. Their demands for rights and recognition are the recent development in India. A few studies have been conducted in this area of research. Before concerning about other perspective, it is very important to understand the community. Therefore, this paper will try to explore and provide a comprehensive meaning of transgender community so thus it can help future researchers and create awareness among the general public about this community.

Discussion:

Understanding trans-gender:

The term 'transgender' cannot be defined in a simple way. Usually, the term is generally used to refer to individuals whose gender identity or expression does not meet with social expectations for their assigned sex. According to World Health Organization (WHO), "Transgender is an umbrella term for people whose gender identity and expression does not conform to the norms and expectations traditionally associated with the sex assigned to them at birth". It includes all those groups of people who find a mismatch between their assigned sex and expected gender norms. Transgender people may self-identify as transgender, male, female, trans-woman, trans-man, transsexual, or by a variety of indigenous terms used in specific cultures. Thus, many terms and concepts are used for transgender people having different connotations and characteristics. The abundance of terms often creates confusion, and most of the time people mix up various other terms related to transgender. The underlying reasons can be due to a lack of transgender studies in society or a lack of awareness about the community. In order to better understand

'trans-gender', it is important to deconstruct the core concept of LGBTQIA+ since transgender is an integral part of it.

LGBTQIA+ Community:

When we study transgender, we must have a clear understanding of the concept of LGBTQIA+.

Here –

L stands for Lesbian. Women who are homosexual or who are sexually attracted towards women.

- G stands for Gay. Men who are homosexual or who are sexually attracted towards men.
- B stands for Bisexual. Bisexual is a person who is sexually attracted to both men and women.
- T stands for Transgender. Transgender are those people who are not happy with their assigned gender roles and eager to play the role of the opposite gender. It is an umbrella term that covers a variety of personalities like transman, transwomen, hijras, crossdresser, gender queer etc.
- Q stands for Queer. Generally queer means strange; it indicates the sexual and gender identity which are not straight and cisgender in terms.
- A stand for Asexual. Persons who are not interested and attracted towards sexual activity with any other.
- I stand for Intersex. It is a term used for a variety of situations in which a person is born with a reproductive or sexual structure that does not fit the boxes of female or male, like vague genitalia at birth, micropenis, inflamed clitoris, partial labial fusion etc. Most of the hijras in Assam fall in this category.
- The sign “+” stands for all those gender-variant people who are not included in the above terms and who do not fit in the given structure in society. Examples include pansexual (people who feel attracted to anyone regardless of their gender, they are attracted towards personality rather than gender), two-spirit (individuals who have both masculine and feminine personalities), non-binary (a person who does not identify exclusively as a man or a woman; they behave according to their own bidding).

Transgenders are a part of this broader community of LGBTQIA+. Transgender is an umbrella term, covering a variety of gender variant people, including transmen, transwomen, crossdressers, intersexes, hijras and genderqueers etc. Transwomen and hijra in Assam fall within the transgender community. The supreme court of India declares transgenders and hijras as the third gender.

Transgenders/Transsexuals:

The words Transgender and Transsexual are often used in the same way. But there is a basic difference between them. The term 'transsexual' is older than the term 'transgender'. David Oliver introduced the term 'transsexual' in 1949 and the term 'transgender' was first coined in 1965 by psychiatrist John F. Oliven of Columbia University. The difference between these two lies in sex and gender differences. Sex is biological and implies physical differences. Transsexual people fall under this category. Transsexuals are those who define themselves as member of the opposite sex. Contrary to this, gender is a social construct

idea and an individual's psychological recognition of self. Here we can connect the concept of transgender - when a person feels internal gender disposition and feels more comfortable with the opposite gender role in society or find a mismatch between his/her assigned sex then it is called transgender.

Transgender: Transwomen and Hijras:

A transgender is a person who has transitioned from male to female. A transwoman is an adult who was assigned male at birth but whose gender identity is female. There are two types of transwomen- one who has gone through sex reassignment surgery. There is another category of transwomen and others who do not feel the necessity of sex reassignment but play the role of the female in society.

The word 'hijra' can be defined as the individuals who identify themselves as neither male nor female or who describe themselves as female. Hijra is a biological male or intersex person who rejects the masculine identity and choose to identify themselves as women, deny being men, in-between man and women or neither man nor women. It has two types -one is intersex people (who do not fit in the typical definition of the male and female body), or a male who wants to become and behave like the female gender. There is a process called "castration" through which they can become a hijra. In India, the total population of transgender around 4.88 lakh, and in Assam the total number is 11,374 (Census Report, 2011). However, it was the first count of transgender in census.

Third Gender:

The concept of 'third gender' is controversial among the LGBTQIA+ community. The patriarchal set of mainstream Indian society describes male as the first gender and female as the second gender. The concept of 'third gender' emerged when the LGBTQIA+ community demand equal rights and status in society. It was in 2014 when the Supreme Court of India declared transgender people as the 'third gender'. It was regarded as a historic judgement for the community, as they were getting recognition in the eyes of law for the first time. The judgement gives all the fundamental rights to the third gender community. This judgement, however, created confusion among different sections of the transgender community. However, only the transgender people and hijras fall under the third gender. Lesbians, gays, bisexual people are not included in the third gender category, because, these are mainly groups that fall under sexual orientation, not gender. In 2016, the Supreme Court clarified this and ordered the Centre not to include lesbians, gays and bisexual people into this category. Hijras are the first recognised as the people of third gender.

Theoretical linkages:

Transgender as a community has always been marginalised. This marginalisation is not region or society specific. The Transgender community are unique and marginal because of their specific physical and sexual structure. This structure does not come under the accepted categories of human society as male and female. But the section of people who are neither male nor female or who are not satisfied with their prevailing gender category is regarded as 'minority' and not categorised into the structure and mainstream society. This concept has clear linkages with the theory of post-structuralism. Post-structuralism as a theory goes beyond the structures. It believes in fluidity. Post-structuralism is a way of understanding the world by studying the meaning which goes beyond the text. It

encourages a way of looking at the world that challenges what comes to be accepted as truth and knowledge. Poststructuralism is against all those binaries and gives a different perspective through different viewpoints.

Jacques Derrida's theory of deconstruction can also be linked with the studies of transgender community as in every society there is one centre and others that exist within the periphery of that centre. It is of common knowledge that the world is hugely dominated by man and is patriarchal in nature. As such the men in the society form the centre of decision making, power and authority. The women come second to the men. In this centre periphery relationship, the transgenders become a distant opposition whose issues are of little to no consideration.

The queer theory propounded by Foucault can also be linked with the researches of LGBTQIA+ Community. The queer theory is a post-structuralist critical theory that entered into the field of humanities and social sciences in the 1990's. This theory focuses on mismatches between sex, gender and desire. It also studies any kind of sexual identity or activity which falls into prescriptive and divergent categories and is mostly associated with LGBT (lesbian, gay bisexual, transgender) studies.

Transgender in Assam:

The issue of third gender rights and their marginalization have been a subject of intense socio-political discourse across various parts of the world. In India, while the legal recognition of the third gender (also known as hijra, kinnar, or aravani) has been a significant step toward addressing discrimination, it has not led to the full social acceptance and integration of this community. Assam reflects this contradiction too although the third gender has been granted legal recognition, its members continue to face deep-rooted social, cultural, and economic marginalization.

The marginalization of third-gender individuals in Assam is multi-faceted, involving the denial of equal access to education, healthcare, employment, and basic rights. This group is often subjected to discrimination, exploitation, and violence due to a lack of social awareness and entrenched cultural norms. Despite legal advancements, the struggle for recognition is ongoing, with third-gender individuals still fighting for full integration into society. The lack of a supportive societal framework, limited access to resources, and societal stigmatization result in the persistence of inequality and exclusion. While legislative measures have granted rights, significant barriers to social acceptance, recognition and equality persist.

Conclusion:

Like any other human being, the historical evolution of the transgender community in India makes them a reliable part of our society. Transgender persons were a part of Indian society since ancient period. The situation of Transgenders started deteriorating when British colonial rulers came with their ideologies of sex/gender binary bodies and hetero-normative sexuality perspectives. The hijra body was problematic because of its ambiguity and its difference with the able procreative/heterosexual body i.e., the British notion of an ideal human being "able-bodied white heterosexual male". Gradually, various laws against hijras were introduced, effectively depriving the community of their earlier privileges.

The discrimination and exploitation of transgender start at home. The socialisation process and structured rules of society do not want to understand the mental and physical condition of transgender people which results in various problems in the lives of transgender as well as in society. Continuation of the British draconian laws in some form or another even after independence, Indian tradition and culture that excludes and isolates transgenders, wrong interpretation of transgender in mass-media, faulty socialisation process, prevalent superstitions can be identifies as some of the causes behind the sufferings of transgender people in Indian society.

In 2014, a historic event transformed the status of transgenders in the country with the path-breaking Supreme Court decision on the National Legal Services Authority (NALSA) vs. Union of India and Others judgement, wherein it upheld the right of the transgender persons to decide their self-identified gender and made several other legal declarations aimed at the upliftment of this neglected community. Following this judgement, the “Transgender Persons (Protection of Rights) Bill” was introduced in Rajya Sabhain in 2014 and passed in 2015. The bill was introduced in the Lok Sabha in 2016, which was passed in 2019 and became an Act. However, this bill has been criticised on several grounds. It was massively diluted and betrays a lack of understanding of the community and its concerns. After a lot of movements and struggles, on 6 September 2018, a historic judgement came from the Supreme Court of India that legalised some of the parts of Section 377 of IPC which criminalised homosexuality.

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