

# STIGMA IN THE SOCIAL INCLUSIVENESS OF TRANSGENDER

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## Abstract

This is an age of social inclusiveness; it started with widows, women's education, and constitutional rights of differently-abled, and last comes the Queer community. Even during this 21<sup>st</sup> century many ethnic groups have been ostracized and stigmatized on the grounds of race, sex, appearance, physic, etc., Stigma happens when an individual or a group doesn't fall under the societal norms or structure, which has been created or framed by the society itself based on preponderance identities or behaviors. Those who don't fall under this social structure will be stigmatized. Stigma is nothing but discrimination based on various reasons. The consequence of stigmatization has a long list, a group of people or an individual who undergo this stigmatizing will face severe mental and health issues. By denying their basic rights the society is denying their existence and being itself. This paper specifically going to integrate the lives of the transgender community, a marginal who has been ostracized for ages, whose rights have been denied for centuries, and who wants to denounce their rights for food, shelter, clothe education, and health services at this modern era. Literature gave way to exposing this marginal community through their writings which are still in an inborn state. 'Trans' community's existence deviates from country to country according to their culture and tradition. In India still, they were excluded because of not being inside the binary system (gender identity) and societal structure. The object of this article is to describe the stigma of social inclusiveness in the transgender community in compliance with Revathi's "Truth about me" and Live Smile Vidya's "I am Vidya: A Transgender's Journey". The paper aims to bring forth the stigmatization of the transgender community and their agony because of social exclusion and the current furtherance of their community rights in India.

**Keywords:** Queer, Stigma, Preponderance, Societal structure, Social inclusiveness, Social exclusion and community rights

## Introduction:

Literature is a mirror that reflects human life with its eccentricities. It transcends boundaries encompassing all sections of any society. Writers envision change which would in turn embetter humanity. Therefore it plays a vital role in the life of the marginalized, stigmatized, and ostracized communities. Queer literature, promotes a better understanding of the trans community and the need for positive action. Queer studies, is an umbrella term that deals with all the gender-related concepts and theories. The novel *Orlando* (1928) by Virginia Woolf, is considered one of the first novels in English to deal with the transgender, however, as it was not written by a transgender it doesn't figure among the 'transgender writings'. India has given the world its first transgender novelist, Revathi, a transgender who is the author of *UnarvumUruvumum* (2004), her first book. Later her autobiography was translated into more than eight languages including English by V.Geetha (a writer, translator, social historian, and activist) as "The Truth About Me" (2010), the first of its in English from a member of the hijra community. Kalki Subramaniam, is a renowned activist, actress, and writer. Her first work, a collection of 25 poems was published in the title "Kuri Aruthean"(2015) which was translated in English as "Phallus, I cut"(2015) published by Vikatan Publications. Followed by we have Living Smile Vidya, who is the author of "I am Vidya: A Transgender's Journey" published in 2013.

Transgender literature is an emerging discipline and in recognition of its potentialities the American College in Madurai has introduced a paper on "Genderqueer and Intersex Human Rights Studies" has been introduced to both the departments English and Tamil.

*MaraikappattaPakkangl* was the first book on the LGBT community in the Tamil language, launched by Gopi Shankar Madurai and BJP leader Vanathi Srinivasan in 2014.

I intend to take up for study two transgender memoirs namely Revathi's *The Truth About Me: AHijira Life Story* and Living Smile Vidya's *I am Vidya:A Transgender's Journey*.

### **Gender Identity:**

Gender identity is declared based on biological sex rather than one's psyche. Modern theorists and psychologists believe that this biological sex can be varied according to an individual inner concept of self as male or female or neither belongs to the binary most opposition. This gender binary system itself was constructed and imposed in the generation of the human mind after generation. According to Judith Butler, the concept of gender is an 'illusion' not about 'self-identity'. Judith Butler simplifies it as, "in opposition to theatrical or phenomenological models which take the gendered 'self' to be before its acts, I will understand constituting acts not only as constituting the identity of the actor but as constituting that identity as a compelling illusion, an object of belief" (*Performative*, P. 271). Butler deciphered the societal construction of gender binary identity by saying that 'self-belief' of gender identities compelled "by social sanction and taboo" (*Performative*, P. 271), so that the 'natural' behavior is concerning to prefer one's gender identity. She also adds that "***Gender reality is performative which means, quite simply, that it is real only to the extent that it is performed***" (*Performative*, P. 278). Thus she concluded that gender is "performative" not linked with biological sex or socially constructed genders. Thereby establishing the view that gender is more behavioral than biological.

Trans people don't fall under the binary opposition. Based on Judith Butler's performative theory trans people decide their gender according to their 'innermost self and the way they behave. Some trans people do not consider themselves to belong to either one of the genders. 'Trans' is a form of gender identity, not sexual orientation. Most of the trans people are identified as lesbian, gay, bisexual, or heterosexual, transsexual orientation and not a new form of sexual orientation. To belong to a preferred gender some of them undergo a process of gender reassignment surgery and hormonal treatments.

### **Gender Expression:**

Gender expression is more important in the case of the trans community (trans community: lesbian, gay, bisexual, asexual, trans women, and transmen). Gender expression determines their gender identity. It unfolds itself an individual's choice of clothing, hairstyle, speech, and other mannerisms. Gender expression doesn't correspond with the biological features of sex, as to how in the case of Doraisamy and Saravanan in "The Truth About Me: A Hijira Life Story" and "I am Vidya: A Transgender's Journey" respectively.

In "The Truth About Me: A Hijira Life Story" and "I am Vidya:A Transgender's Journey", both Revathi and Vidya are undergoing gender reassignment surgeries to acquire their desired gender. Both the protagonist Doraisamy (as Revathi) and Saravanan (as Vidya) were born as males with effeminate in their character always inclining to become women. Both are genuinely interested in domestic chores rather than performing the role of a man. Revathi describes in her memoir how she drew Kolam on the front yard of her house which was admired by her neighbors once.

In India, transgender is considered as 'others' or the 'deviant'. They are not accepted by mainstream society. It is evident in the lifestruggle of Revathi and Vidya.

Revathi was born as a male and named Doraisamy, in a small village in Namakkal taluk, Salem district. He was the youngest after three brothers and a sister. Slowly as he grew his effeminacy became more conscious. "***As soon as I got home from school, I would wear my sister's long***

*skirt and blouse, twist a long towel around my head and let it trail down my back like a braid*"(p.4). This is how Doraisamy appeased his desire to be a woman. He became the bud of ridicule among his friends, classmates, neighbors, and family. His brothers Nicknamed him 'girl-boy'. Whenever he was found in a woman's costume he was trashed by his brothers. His parents never approved of such behavior. Being trapped in a male body, Doraisamy felt despondent for not being himself (herself). He felt relieved whenever he had a chance to be in a girl's attire for instance he enjoyed playing the role of Kurathi (Gypsy) in a temple festival - "in my Kurathi's grab, I could express all those female feelings that I usually have to suppress and so felt happy for days afterward. But I felt troubled by the feelings that men incited in me" (p.14).

It is a gender identity that troubles Doraisamy to the core, "I felt shy, and whenever I saw young men, I automatically lowered my head. I felt drawn to them but wondered if I should not be drawn to women instead, since I was a man. Why did I love men? Was I mad? Was I the only me who felt this way? or Were there others like me, elsewhere in the world? Would I find them, if indeed they were there?" (p.14).

In the memoir of Saravanan (later transformed as Vidya), the protagonist Saravanan was born as the sixth child, a premature baby (25<sup>th</sup> March 1982) after years of prayers for a boy. His parents named him after their deity 'Saravanan'. He was born as a male and slowly grew with coyness, starting to feel the femininity within him. Whenever there was no one at home he dress in his sister's dress use a towel around his head like braided hair and dance in his world. He never got caught like Doraisamy (Revathi, in "The Truth about me"). Will he complete his Master's Degree in Linguistics and join the NGOs, his gender identity wasn't revealed to anyone under any circumstances. His male appearance did not give room for suspicion about his real identity till he confessed. A college student and his friend Kumaran couldn't believe that he was a 'thirunangai' (transgender). Many advised Saravanan to play a safe game and a dual role in the society like Senthil, Sri, and other Kothis who lead their life like a male in the eyes of the society but truly belongs to the 'other'. Saravanan didn't want his life to be like theirs. He was determined to go for a sex reassignment surgery, with the help of another Kothi and he transformed himself into a transwoman.

### **Medical Explanation:**

In medical terms gender identity is not related to the body rather it is a person's internal sense of self. Historically sex referred to the assignment of the external genitalia, as well as chromosomes and gonads. To society, sex is something confused with gender identity, which become important in the context of transgender people. There is no single explanation for why some people are transgender. The diversity of transgender expression and experiences argues against any simple or unitary explanation. Many experts believe that biological factors such as genetic influences and prenatal hormone levels, early experiences, and experiences later in adolescence or adulthood may all contribute to the development of transgender identities.

### **Educational Rights:**

Identity plays a vital role in human being's lives. Self-identity not only strengthens one's character it also keeps them unique and distinguishes from everyone else. Maintaining self-identity keeps individuals comfortable in their skin. It helps them to embrace their flaws get rid of their insecurities and become comfortable with who they are. In the case of transgender, their self-identity itself becomes questionable in many countries, furthermore in India. They are all known by different names like Hijra, Kothi, Aravani, Eunuch, Kinnar, Shiv-Shakthi, and Jogi hijras.

Indian society strongly believed in the binary opposition system when it comes to gender identity. No institution offers a secure position for these (transgender) people. Transgender has to choose between the two genders to secure admission in schools and colleges. Though the

recent amendments accept the third gender it is seldom practiced. Many transgender people have discontinued their studies due to gender conflict.

Indian Education system offers no scope for the 'third gender' it is obvious in both the novels, "The Truth About Me" and "I am Vidya: Journey of a Transgender". Revathi as a Doraisamy was viewed as an effeminate male by his own family, friends, neighbors, and schoolmates. Everyone started to question his identity. He was subjected to ill-treatment by his own family. His brother used to address him as a 'girl-boy'. It became his name even in school. It's been hard for him even to complete his higher secondary, ***"I somehow got to class 10. I experienced changes in my body and my being. I experienced a growing sense of irrepressible femaleness, which haunted me, day in and day out. A woman trapped in a man's body was how I thought of myself. But how could that be?"***(p.14). His school experiences dissuaded him from the very thought of education. The idea of going to school became loathsome. Whereas it's quite different in the case of Saravanan. Saravanan was a bright student who stood first in all his classes. In comparison to his schooling, he was free from torment after joining college, ***"University years were a time of introspection. I thought a great deal about myself and the troubles and woes of my existence"***. Externally nobody could doubt his external features. Saravanan was 'he' but only he can feel the femininity inside him.

The plight of Saravanan is similar to that of Doraisamy unlike Doraisamy, Saravanan was forced to complete his studies by his father. Saravanan's father (Saravanan's father) wanted him to be educated and hold a good position in society through a dignified job, unlike himself who ended up as a corporate worker. Whoever Saravanan met at the NGO's everyone advised him of the power of education, to be independent as a transgender. They all insisted on the self-dependent financially to lead a dignified life rather than ending up as a beggar on the trains or as sex workers. ***"Why do you want to stay here permanently? Don't ruin your life by undergoing a sex change. With your education, you can get a job elsewhere and visit this (an NGO in Chennai) place to enjoy the company to follow kothis"*** (p.60-61).

Hence the life of Doraisamy and Saravanan demonstrated that education has a key to leading a dignified life in society. It was apparent when Vidya (before transformation-Saravanan) confronted her experience in the train begging when one of the passengers come to know that Vidya holds a Master Degree in Linguistics, he started to treat her well. However, in the Indian education system, there was no reservation made for the LGBT community either they have to study like Saravanan in their biological sex identity or have to quit like Doraisamy (Revathi).

Though Indian society was tolerant towards the LGBT community it has to go a long way to incorporate it into the mainstream. As Revathi recounts it, ***"there are many who want to have become doctors, but they do not get the opportunity, or they lack the resources. They end up doing something else"*** (p.220).

They have been labeled as 'deviant' and 'the other' in cultural contexts. In India, LGBT individuals face numerous legal and societal challenges. The majority of LGBT persons remain in the closet, fearing prejudice from their families, friends, schools, and other public institutions. Discrimination based on religion, race, caste, sex, or place of birth is prohibited by Article 15 of the Indian Constitution. Despite the prohibition in Article 15, no explicit law against discrimination based on sexual orientation or gender identity has been passed.

### **Recent Jurisdiction for Education of Transgender in India:**

In October 2017, Karnataka Government established a monitoring committee under the **“State Policy for Transgenders, 2017”**. The monitoring committee was designed by investigating reports on discrimination against transgender within educational institutions. Likewise in February 2019, the Maharashtra government set up a “Transgender Welfare Board” to conduct health programs and provide formal education and employment opportunities to transgender people. A similar board was also set up in the neighboring state of Gujarat in the same month.

Mills College, the first women’s college to welcome Trans students, reports approximately 8% of over 700 undergraduate students identify as transgender. Trans students even face the possibility of potential physical harassment and other forms of discrimination on traditional college campuses. On seeing the continuous growth in the number of cases related to the demand of transgender to be admitted in the educational institutions, every year the educational policies are changing to grant their fundamental right to educate themselves.

### **Legal Rights of Transgender people in India:**

Transgender people are different both in physical and psychological form, they were also called a sexual minority. This trans community forms a part of the world population all over the world (e.g. in India, the United States, Britain, China, Japan, etc.). Transgender possess a great position in Indian society for centuries. Their history begins from the Mahabaratha period itself. ‘Eunuchs’ played a famous role in the royal courts of Mughals. They were given dignified positions in the 18<sup>th</sup> century during the British period. The benefits incorporated the provision of land, rights of food, and a smaller amount of money from agricultural households in exact areas which were ultimately removed through British legislation because the land was not inherited through blood relations. This state has been changed drastically in the 19<sup>th</sup> century, the same British rulers are started to criminalize them and deny them civil rights which are continuing in India.

In modern India, the transgender is popularly known as ‘the third gender’ or ‘the other’ or ‘the deviant’. Transgender is begun to consider as a separate community, caste, or tribe in India after the implementation of British law, ‘The Criminal Tribes Act, 1871’. The act concerned the criminal activities which are assumed to be done by kidnapping and castrating children and dressing like women to dance or beg in public places. However, the above said Act was repealed in 1952, it's legacy continuous till today.

The law protectors themselves misemploy it for their desire and to satisfy the callous urge. This made even the situation worse in the cases of transgender. Transgender people were abused and exploited by society as well as the police guards. The inhuman, cruel, and degrading treatment or punishment of Policemen to transgender people is unquestioned due to the undue power they hold over powerless people and thus satisfy a sadistic urge. Revathi put forth gingerly the cruelty which occurred to her at the police station. How the policemen stripped her and made her stand naked with other men. ***“For the sake of money, I have put aside my honor and have taken to the roads. I'm called a hooker. What should the police be called then-they who use us and snatch money from us?”*** (p.221).

Vidya faced a violent attack by a military man on the train. All these prove that these people can’t step onto the police station asking to protect them or to complain over the brutality they face every day in their lives. In recent years though they brought changes in the amendment of Article 15, the law is only on the papers, unable to perform its duties.

Article 14(6), that if the conviction of a person is reversed, the person who has suffered punishment as a result of such conviction must be compensated according to law. Article 9(5) provides for compensation for unlawful arrest or detention also. But this never happened or was put into practice anywhere in the country or state.

Behind the theatrics are often sad stories – of the sex trade and exploitation, cruel and dangerous castrations, being cast out and constantly humiliated. Within India's L.G.B.T. community, the hijras maintain their own somewhat secretive subculture.

***“Ever since I was a little girl, I learned the world runs on money,” she said. “I learned that if I don’t have money, I don’t exist.”*** Says Radhika, a hijra from Mumbai.

Society and law not only think that they were wrong, impure, and cursed but also violent towards them. In *The Truth About Me: A Hijra Life Story*, it is apparent when Revathi gives a long speech that how her community people have been earning to live a respectful life. As she puts it, “I long for respect. I want to live a life of dignity. I want to go to work as many women do” (p.219).

#### **Article 15 of the Constitution of India states that:**

Discrimination based on religion, ethnicity, caste, sex, or place of birth is prohibited under Article 15. If any of them are subject to any disability, liability, restriction, or condition regarding access to shops, public restaurants, hotels, and palaces of public entertainment; or the use of wells, tanks, bathing ghats, roads, and places of public resort maintained wholly or partly with State funds or dedicated to the general public's use. Anti-discrimination laws in employment, anti-discrimination laws in the provision of goods and services, anti-discrimination laws in all other areas (including indirect discrimination, hate speech), anti-discrimination laws covering gender identity and expression, access to IVF for lesbians, right to change legal gender, coverage for sex reassignment surgery only in some states, still banned in Tamil Nadu, intersex minors protected from invasion of privacy.

As a result, we conclude that discrimination based on sexual orientation or gender identity encompasses any discrimination, exclusion, restriction, or preference that has the effect of nullifying or transposing equality under the law or the equal protection of the laws guaranteed by our Constitution." According to Supreme Court Judge K. S. Panicker Radhakrishnan (p. 73),

According to the Supreme Court of India, sex does not just refer to an individual's biological characteristics, but also their "sexual identity and character." The Transgender Persons (Protection of Rights) Act of 2019 prohibits discrimination against transgender people in educational institutions and services, employment, healthcare services, access to "any goods, accommodation, service, facility, benefit, privilege, or opportunity dedicated to the use of the general public or customarily available to the public," freedom of movement, the right to "reside, purchase, rent, or otherwise occupy any property," and the opportunity to "reside, purchase, rent, or otherwise occupy any property."

Some members of the transgender community have expressed reservations, citing the difficulties in acquiring a certificate as well as a lack of awareness and sensitivity to the subject among local government officials (p.86). Protests against the bill have taken place, with concerns that it harms rather than helps the transgender population. Protesters applauded the certification provision but expressed concern that it would force people to register with the government to be recognized as transgender. They also decried the inequity inherent in the large

disparities in a penalty for the same offense, such as sexual abuse, perpetrated against a transgender or cisgender person (p.87).

LGBT activists are pushing those who have been discriminated against because of their sexual orientation or gender identity in non-state settings to file lawsuits to put the two judgments' jurisprudence to the test. They're also pushing for a specific anti-discrimination statute that would apply to everyone (p.68).

### **Conclusion:**

Transgender people face various forms of gendered violence, harassment, and even at times, they have been murdered by their families and other members of society. A study by Humsafar Trust titled, "Situation and Needs Assessment of Transgender People in Three Major Cities in India," carried out in Delhi, Mumbai, and Bangalore, during the period between June 2017 and March 2018, found that around 59 percent of respondents in the transgender community had experienced violence: 57 percent in Delhi, 55 percent in Mumbai, and 70 percent in Bangalore. Across these three cities, ones' own family and relatives were the perpetrators (22 percent), followed by the common public, which is responsible for 21 percent of the cases of violence committed against transgender people. The motive behind Revathi and Vidya's memoirs is to expose the pathetic and hazardous life of transgender in India. They want to claim their civil rights to lead a protected and dignified life in society. The urge to lead a respectable life was very much visible through the daunting memoirs of Revathi and Vidya. It is a social responsibility to create enough awareness programs that will teach citizens to handle transgender children without discrimination and causing violence which will lead to mental illness. The state also should take responsibility to create a suitable environment for them to pursue their education and to get employment in government as well as private sectors. The community must reach them with motivations and health care services should provide inequity treatments. The law should protect them by implementing punishments for the parents of those who abandon their transgender children. Though there are legal provisions to safeguard the rights of the transgender they should be implemented in the right manner so that the benefit reaches the community. It has to be a coordinated venture involving government officials, authorities, and social activists. The writers mentioned above are also social activists, dedicated to creating awareness in society. It is also necessary for the transgender to fight with resolve to immerge as equals.

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