



TRANSGENDER AS DISABLED IN THE MODERN SOCIETY

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Introduction

On April 2015; there was a landmark activity done by parliamentarians in Rajya Sabha by unanimously passing the Rights of Transgender Persons Bill 2014. It is the only private bill passed in either house of parliament during 46 years. Moreover the bill will become law after the decision of Lok Sabha. The deprived and disempowered community are considered sub standard humans comparatively. The milestone judgement of Supreme Court in the National Legal Services authority (NLSA) vs Union of India on 15 April 2015, that emphasised about choosing of gender by the citizens of India. Further legal declarations were made by Supreme Court in order to protect the rights of the transgenders. The rights of transgenders should be protected and pursued as policy under the ministry of social justice and empowered. Recently in February 2015, transgender Samiti reported more than 40 attacks in Telengana by the mainstream society. Hitherto, thus exists mistreat new of transgenders by police officials.

The discriminated and marginalized minorities faced and facing a lot amount of troubles in the history of civilization. There are minorities on the basis of religion, race, colour, caste, clad, territory, language so on so forth. As such in India, dalits affected with right violation. In U.S.A. Blacks are getting preciously affected in the modern era. In the age of antiquity, physically weaker communities faced unprecedented wrath and agony at the hands of stronger community. This may be akin and common on the basis of religion, territory, caste etcetera. But the problem of transgender if taken for consideration and scrutiny, resides in inner or hidden or biological whatever it may be the term applicable to usage. In no way these minority community or socially segregated community responsible for the existing issues concerned. The natural disorder causes a huge amount of troubles and unlease agonies and what not? The path of bitter facts and experiences obviously may lead to better values. But values are invalid in the cut throat competative technocratic arena. For social justice countless people fought against the existing and organised authorities but in vain. The problems related with transgenders still persist with no ways and remedies to be identified or chalked out.

Transgender either MTF (Male to Female) or FTM (Female to Male) are undergoing untold miseries starting from livelihood to the end. Fraternity is an essential component of all the constitutions of the world including the Indian constituton in preamble,, but pursuing the inpractice hinges upon fellow-citizens and there the problem resides in.

A lot of rights violation happens for transgender people, since their behaviour is unique and arrogant. Especially police officials ill-treat, stripe or beat them along with sexual harassments. Police staffs restrict them to not indulge in sex jobs, but they used to misbehave them without providing any monetary returns. Being in the streets without shelter and other belongings, these people come across a lot of untoward incidents and unprecedented atrocities due to fellow human community.

There are so many reasons cited for the status-quo condition of transgender. One of the main reason for their sustained and strained status is sexual profession. The perception of the society towards transgender is only confined towards prostitution. Obviously, all transgender accept this notion. Since their biological system protects them to opt for that particular relationship/profession. In the traditional societies like India, people never have sympathetic concern upon prostitutes and other anti-social



elements. Prostitutes are also termed and treated on par with arrack-sellers, boot-leggers, drug vendors so on. Hence the condition of these 'dark wanderers' cannot be out spoken in the public forum. But civil society in the contemporary arena is getting strong and moving towards a great dawn.

Although Western Countries decriminalized LGBT, the Oriental Countries and other Theocratic Nations put forth high level of restrictions on the basic rights and freedom of transgender people. The 21st century had come across gradually the transformative mode and activism related to transgender people. There are a handful of NGO's and other volunteer groups who took onerous efforts to improve and protect the status and rights respectively. Individual initiatives are appreciated in this regard by various media organizations. In this aspect Tamilnadu stand as a unique state in which the first suit was filed for the livelihood of entire transgender community in the High Court of Chennai.

All kinds of rules and regulations either it may be at social or state level cannot control the activities of transgender. Since transgender does not have any religion, caste or clad, the submissive attitude or god-fearing attitude is very less among transgender. Normal citizens have social and as well as cultural bond which concretize the relationship fabric. But being beyond the human community, transgender speak limitless and expression cannot be tolerated by fellow citizens. This causes an aversive attitude among the normal humans which may end with deadly attacks against them.

Thus transgender people possess both the qualities of men and women which is unique and may be considered as a stronger community. Sen defined Hijras as "people who cross socially constructed gender boundaries". Aristotle stated that, "A man needs no society, either he be a beast or god". Thus transgender, as observed by so many researchers need separate society or place in which they can interact with one another and care for nothing.

Transgender people are Invisible population who hide themselves due to societal stigma. Since mockery by the society is at high level, their visible presence in the society is very much rare. Transgender had many illustrations in ancient epics and literatures like Ramayana, Mahabaratha, Kamasutra, etcetera.

In religious perspective, Ramayana got an anecdote in which the epic hero Rama when exiled for 14 years to the forest blessed all his followers, men and women to do their duties. After 14 years in exile, during his return, he saw somebody who was waiting for his blessings. They are transgender people who are not male and female and thus receive his blessings.

Also is there another myth that Rama during his separated life from sita, with laxman in the forest broke his phallus and spread out into pieces which fell on earth as "lingas". Although he lost the power to procreate, his lingas were respected and sanctified for the sake of fertility. In the same way transgender are impotent but receiving their blessings will fetch the people what they need.

In Mahabaratha Arjuna played "Brihannala" in order to hide himself for short span of time. Lord Krishna also made himself as woman avatar to marry Arjuna's son Aravan. Thus transgender are treated as "Demi Gods", since the components of both male and female resides in same physical structure.

Added to that, Lord Krishna took women avatar as "Mohini". In Tamilnadu people are witnessing in number of places lord Shiva as "Arthananareeshwarar". Lord Shiva and Parvathi resides in a single body which serves as a powerful god for blessings and devotion. Further another myth in Hinduism is Lord Ayyappa who was born to Shiva and Vishnu. These aforementioned anecdotes and myths are all the



worthy references in the Hindu religion which evidenced a good illustration for giving huge respect to transgender.

The British Empire never treated transgender on par with other citizens. The basic rights enjoyed by other citizens were restricted to these people. Further their status was downgraded faced a heavy damage during this period, since they were treated on par with thieves and tribes.

Their lands were confiscated, which was granted to them by Mughal emperors. Without lands and personal properties for transgender the only option is either begging or illegal sex work.

Added to that, in 1860, Sec 377 of the Indian penal code passed and it banned same sexual relationship and infamously known as “Anti Sodomy law”.

Under the anti-sodomy law, 100s of eunuchs were imprisoned and also tortured in the confined and secret prisons. They were also sexually exploited by British people. Although Britain had same type of transgender, the subjugation and exploitation was very cruel and brutal to a large extent.

Conclusion

In this world, no human can decide his sex on his own in mother’s womb. Like beauty, physical composition, spouse, job and other essential needs of human Community, gender is decided and determined by either nature or some sort of belief system. It is as such the same thinking and aversive attitude; people develop negative attitudes against leprosy and other incurable disease. The attitude shown and expressed by mainstream society against transgender is such one and to be highly condemnable. With the advent of new technologies and efficient researches in medicine sector, no diseases are incurable Likewise; transgender should not be perceived as alien and strangers. It is to be perceived and viewed as sympathetic community since they are orphans although in the presence of their parents. The freedom which was emphasised by so many philosophers and statesmen is to be realized and allotted to transgender people, freedom is the only main component expected by transgender people. The other factors may be acquired by them in gradual manners.

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