

Socio-Economic Development of Transgender Community in India and Japan

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ABSTRACT


The socio-economic progress of the transgender population in Japan and India. Every area of a person's life is influenced by their gender. Gender is pre-determined into two categories like Male and Female, both socially and physiologically. A different category that describes certain human traits is gender. The fundamental significance of those rights from a cultural, social, and ethical standpoint has been the focus of the growing global attention to concerns of human rights for transgender peoples and other sexual minorities during the last few decades. Gender-variant males—who in modern times would have been referred to as “transgender women”—had a long history in Asian countries. People who identify as transgender have long been a part of Indian culture. In India, transgender persons deal with a wide range of issues. Transgender groups have not yet been allowed to participate meaningfully in politics, decision-making, the business, or social and cultural life. Beginning with the Meiji restoration, and largely as a result of the introduction of new “medical and psychological discourses” from Europe, Japan's attitude towards sexual minorities underwent a change during the 20th century. Previously more accepting, this attitude gradually evolved into one that was more critical. In Japan, members of the transgender community have historically been viewed and portrayed as abnormal, and mainstream society and the law have failed to recognize them at all until recently. Transgender people and other sexual minorities were primarily seen from an “otherness” perspective that focused on “highlighting their difference from ‘normal’ people.” Many nations deny transgender people their basic civil rights as well as legal recognition, equality, and protection.

Keywords: Gender, Hijra, Meiji, Misconception, Transgender.

INTRODUCTION

The paper analyzes the socio-economic development of the transgender communities in India and Japan. In all facets of one's life, gender plays a significant role. The classifications of Male and Female are predetermined by social and biological factors. Different categories exist for describing specific human traits, including gender. The most significant aspect of gender is that it has social connotations, and individuals are expected to act and express themselves in ways that are compatible with the socially prescribed gender roles associated with their sex. Unfortunately, the important distinction between the two categories has been muddled as a result of our society's tight association between gender and sex.

The term “transgender” is frequently used to refer to those who defy social gender norms. The word “transgender” is frequently used as an umbrella term to describe those who reject strict, binary gender conceptions and who express or demonstrate a blending

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and dismantling of socially accepted gender categories. It covers transsexuals who strongly identify with a sexual orientation alternative to their biological sex, including those who have undergone surgery, have recovered, and those who have not (UNDP India Report, 2010). Everywhere in the world, transgender peoples struggle with a number of social justice issues. People who identify as transgender can be termed transsexual, transvestites, crossdressers, purposefully androgynous, gender nonconforming, or drag kings and queens. The word transgender, derived from Latin, can be divided into two parts: Trans and gender. Trans is a Latin prefix meaning “across or beyond” and Gender shares the same Latin word as the genus. ‘Trans’ is sometimes used as a short form of transgender.

The fundamental significance of those rights from a social, cultural, and ethical standpoint has been the focus of the growing global attention to concerns of human rights for transgender people and other sexual minorities during the last few decades. Recognizing their rights signifies a dedication to ensuring equality for a marginalized set of people and their right to unrestricted freedom. To implement these rights and achieve equality, we must endeavor to put an end to transgender people’s violence and discrimination. The need for attention is obvious; human rights agencies and scholars from throughout the world have recorded abuses of human rights, finding that transgender individuals experience discrimination, familial rejection, violence, incarceration, and other types of exclusion in every country examined. According to international legal norms, every human being is given unalienable rights. Many transgender persons don’t actually have access to these rights; they simply exist in name. People who identify as transgender are denied not just their basic rights to equality, health, and security of being, but also their very humanity. People who identify as transgender endure severe marginalization, discrimination, and violence.

Objective of the study are “To know about the causes and consequences of transgender populations’ socio-economic problems” and “To find out more about the transgender populations’ way of life in India and Japan”.

Socio-Economic Development of Transgender Community in India

The Asian nations have centuries-old histories of the existence of gender-variant males - who in present times would have been considered as “transgender women”. People who identify as transgender have long existed

in Indian society. In literature from the early days of ancient India, there is historical proof of the acknowledgement of the “third sex” or those whose gender has not been determined. Hindu mythology, folklore, epics, and early Vedic and Puranic literature all contain references to Tiritiya Prakriti or Napumsaka. People in India come in a broad variety of cultures, identities, or experiences associated with transgender, including Hijras, Kothis, Aravanis, Jogtas/Jogappas, and Shiv-Shaktis. Many of these people have historically been treated with respect and as members of the wider culture, yet others still get special treatment today. The Indian Constitution ensures the equality, justice, freedom, and dignity of every person while also implicitly requiring an inclusive society that accepts everyone, including transgender persons. The way society views transgender people has undergone a substantial shift in recent years. It has been recognized that providing equal opportunities and effective access to various social development programs for transgender people can improve their quality of life. Significant intellectual arguments over the status to be given to this formerly socially excluded and downtrodden minority have been sparked by the Indian Supreme Court’s historic decision that transgender individuals constitute a third gender. The two-judge Supreme Court of India bench’s chief justice, Justice K. S. Radhakrishnan, stated in his decision on April 15, 2014, that the recognition of transgender people as a third gender is a human rights issue rather than a medical or societal one. The court said that transgender people are also Indian citizens and that they must be given an equal opportunity to develop. In accordance with the spirit of the Constitution, every Indian citizen should have an equal chance to develop and realize their potential, regardless of caste, religion, or gender. Without question, this decision has increased awareness of the human rights violations suffered by a minority of economically disadvantaged, socially ostracized, and politically powerless Indian individuals.

In India, transgender persons face a wide range of problems. Transgender communities have not yet been allowed to participate meaningfully in politics, decision-making, business, or social and cultural life. The absence of (or ambiguity in) legal acknowledgement of transgender people’s gender status is a major cause (and consequence) of exclusion. It is a significant obstacle that frequently hinders people from practicing their civic rights in the gender of their choice. In contemporary India, transgender persons are viewed as societal outcasts. However, they belong to an ancient social group that has been recognized for approximately 4,000

years and is depicted in India's temple sculptures and epic literature. Unfortunately, during the colonial era, when various laws criminalizing them were implemented, the situation of transgender women in India deteriorated. Since India's independence in 1947, little has been done to better their situation.

Socio-Economic Development of Transgender Community in Japan

Starting with the Meiji restoration and largely as a result of the introduction of new "medical and psychological discourses" from Europe, there was a shift in attitudes toward sexual minorities in Japan during the 20th century. These attitudes had previously been more accepting but gradually took on a more critical tone. In Japan, members of the transgender community have historically been seen and portrayed as abnormal, and mainstream society and the law have failed to recognize them at all until recently. Transgender people and other sexual minorities have historically been seen primarily from a standpoint of "otherness" that focused on "highlighting their difference from 'normal' people." With the adoption of the 2003 Act, transgender persons were finally given the option to change their *koseki's* official sex, enabling them to completely integrate into Japanese society as fully accepted members of the gender of their choice. Additionally, the enactment of this legislation was intended to pave the way for a lawful, secure, and properly regulated method of getting the healthcare that many transgender persons require to maintain their wellness, including psychotherapy, hormone replacement treatment (HRT), and sex reassignment surgery (SRS).

The 2003 Act's introduction was accompanied by a number of problems. Even though enacting a law allowing transgender people to legally change their gender in the *koseki* may at first seem like a wholly positive change, the requirements that transgender people must meet in order to be eligible for this gender marker change and the additional requirements that they must meet in order for this change to be granted should also be taken into consideration when evaluating this new legislation, given that problems like institutional racism and discrimination should be taken into consideration. The Supreme Court of Japan ruled in 2019 that transgender persons need undergo sterilization before being accepted. Takakito Usui, a transgender man, filed a lawsuit in response to the demand that he have his ovaries and uterus removed in order to be recognized as a male. He claimed that everything was

unlawful since it went against his right to self-determination. The court took an opposing stance.

CONCLUSION

The absence of legal recognition, equality, protection, and basic civil rights affects transgender persons in many nations. These include the right to a legal identity based on the gender of their choice as well as the right to gender equity and equality, which is the absence of discrimination in all spheres of life based on one's gender identity or gender expression. In India, there are several sorts of societal prejudice and persecution that transgender persons must constantly deal with. Including them in society is difficult since discrimination is so pervasive and evident, even in areas as fundamental as work, education, and healthcare. It is essential that action be made to address the unfortunate circumstance and promote social inclusion for the people in this neighborhood from both a strong legal and social standpoint. There are still many obstacles to be removed before transgender people can enjoy their lives to the fullest, despite the 2003 Act being portrayed as progressive legislation aiming for the better inclusion of transgender people in Japanese society. This is because the 2003 Act is based on a misconception of transgender identity that equates being transgender with a disorder or disability and understands Trans individuals as striving to meet socially accepted standards of Cisheteronormativity.

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REFERENCES

1. Amnesty International. (2016). Human Rights Law and Discrimination against LGBT
2. People in Japan. Available from: <https://www.amnesty.org/en/wp-content/uploads/2021/05/ASA2259552017ENGLISH.pdf> [Last accessed on 2020 July 10].
3. Arai, Y. (2014). Is Japan Ready to Legalize Same-Sex Marriage? Cornell Law School LL.M.
4. Student Research Papers. Available from: https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1063&context=lps_LLMGRP [Last accessed on 2020 May 25].
5. Benjamin H. (1966). The Transsexual Phenomenon, New York: Julian Press.

6. Available from: https://transreads.org/wp-content/uploads/2019/04/2019-04-07_5ca961529c262_Harry Benjamin-The Transsexual Phenomenon1copy.pdf [Last accessed on 2020 March 15].
7. Hinchy, J. (2014). "Obscenity, Moral Contagion and Masculinity: Hijras in Public Space in Colonial North India", *Asian Studies Review*, Vol. 38. Available from: <http://dx.doi.org/10.1080/10357823.2014.901298> [Last accessed on 2020 January 22].
8. Human Rights Council, (2011). Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, (Report of the United Nations High Commissioner for Human Rights), Nineteenth session, Agenda items 2 and 8, 17 November 01-25. Available from: https://www.ohchr.org/sites/default/files/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf [Last accessed on 2020 August 26].
9. Kuramochi, T. (2015). "The Protection of Human Rights and the Role of Constitutional
10. Judicial Review in Japan", *King's Law Journal*, 26(2), 252–265. Available from: DOI:10.1080/09615768.2015.1075769 [Last accessed on 2020 February 10].
11. Lunsing, W. (2005). LGBT Rights in Japan. *Peace Review: A Journal of Social Justice*, 17, 143–148. Available from: <https://doi.org/10.1080/14631370500332858> [Last accessed on 2020 May 20].
12. Michelraj, M. (2015) "Historical Evolution of Transgender Community in India", *Asian Review of Social Sciences*, Vol. 4. Available from: <https://trp.org.in/wp-content/uploads/2015/10/ARSS-Vol.4-No.1-Jan-June-2015-pp.17-19.pdf> [Last accessed on 2020 June 23].
13. Ota, C. (Translation) Act on Special Cases in Handling Gender for People with Gender Identity Disorder (Japan) Law No. 111 of 2003 (Effective Jul. 16, 2004). Available from: <https://www.icj.org/wp-content/uploads/2013/06/Japan-Act-on-Special-Cases-in-Handling-Gender-for-People-with-Gender-Identity-Disorder-2004-eng.pdf> [Last accessed on 2020 July 17].
14. Parashar, S. 2017. Inclusion of Transgender Community within Socially and Educationally Backward Classes: Examining the Deeper Concerns, *ILI Law Review*, Winter Issue, Vol. II, 105-123. Available from: <https://ili.ac.in/pdf/sakshi.pdf> [Last accessed on 2020 July 10].
15. Transgender facing social, familial ostracism: survey" *The Hindu*, Aug. 2, 2017. Available from: <http://www.thehindu.com/news/national/kerala/transgender-facing-social-familial-ostracism-survey/article19409328.ece> [Last accessed on 2020 August 20].
16. United Nations General Assembly, 2011. Human rights, sexual orientation and gender identity, Human Rights Council. Available from: <http://www.un.org/docs/journal/asp/ws.asp?m=a/HRC/17/1.9/Rev.1> [Last accessed on 2020 March 21].