



## **The Spectrum of Gender: Beyond the Binary**

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### **Abstract:**

*Education is a fundamental right and no one should be excluded from it irrespective of their gender or sex. Our country has an estimated 40-50 lakh LGBTQ population, till date an extensive census has not been conducted on the LGBTQ community. It can be believed that every state of India has its fair share of the LGBTQ communities but acceptance level is variable in each state. It is imperative for an extensive study regarding the problems and issues faced by the LGBTQ students especially in the field of education and also recommend possibilities to overcome these hurdles so that the stigma associated with this community can be abolished through proper education and employment. This article will be a wakeup call for the teachers, parents, respective departments and officials and gear them up to identify and acknowledge the members of the LGBT community, providing them all the benefits that they are entitled to, especially in the field of education; to help them live a dignified life.*

**Keywords:** Gender, Binary, Gender Identity, Gender Role.

### **Introduction:**

Every element of a person's life is influenced by their gender. Gender is predetermined into two groups, namely male and female, both socially and physiologically. The most significant aspect of gender is that it is a social construct, and individuals are expected to act and communicate in ways that conform to the socially prescribed gender role that is linked to their sex. A person's gender identity and gender role in their specific culture are often characterized as their personal identification as a man, woman, or other, or as their identification by society as such.

The words "sex" and "gender" are sometimes used interchangeably. Despite their connection, the two words are not interchangeable. Based on the baby's biological characteristics, we often classify newborns as either male or female. We assume the child's gender after a sex has been assigned. Because their gender corresponds with gender-related concepts and presumptions connected to their sex, some individuals have little to no reason to be concerned or to give this any more attention. The assignment of our sex may be the first step toward gender, but it is not the last. The intricate interactions among three factors—body, identity, and social gender—determine an individual's gender.

A person's personal perception of themselves as either male or female is known as their gender identity. Our gender identity is determined by our internal feelings and the way we express those feelings. Your look, behaviors, and attire may all be used to convey your gender identification. Some individuals have feelings of being a feminine man or a masculine female. Some individuals don't feel like they belong in either gender. Labels like "gender queer," "gender variant," or "gender fluid" may be chosen by these individuals. Your emotions about your gender identity start to develop as early as age two or three. Some people have assigned gender and sex identities that are quite constant or comparable to each other. Cis-gender is the term used to describe them. Some individuals believe that their gender

identification is male, but their given sex is female, indicating that they are of a different gender. We refer to these individuals as transgender or trans. Not every transgender individual has the same identification.

The idea of gender role, which is described as the external expressions of personality that reflect the gender identity, is closely linked to the idea of gender identity. While gender role is shown in society by visible variables like behavior and appearance, gender identity is almost always self-identified due to a mix of intrinsic and extrinsic or environmental factors. For instance, a person's gender identification is male if he or she views himself as male and feels most at ease using masculine language while discussing his or her own gender. But only if he exhibits stereotypically masculine traits in his demeanor, attire, and/or conduct does his gender role become male. Therefore, gender roles are often, but not always, an external manifestation of gender identity.

Every individual has a gender identity. A person's internal perception of being male, female, or another identity is referred to as their gender identity. The sex given to a person at birth usually corresponds with their gender identification; for instance, a person born female usually identifies as a girl and then as a woman. There may not be a match for many gay and transgender persons. Everybody expresses their gender. All of the ways that individuals show their gender (or gender identity) to the outside world, including via their behavior, appearance, and attire, are referred to as gender expression. According to the World Health Organization, sex and gender vary in the following ways: "The distinct biological and physiological traits of males and females, such as reproductive organs, chromosomes, hormones, etc." are referred to as "sex." The socially created traits of men and women, including roles, standards, and interactions within and between groups of men and women, are referred to as gender. It may be altered and differs from culture to society.

The concept of gender includes five important elements: relational, hierarchical, historical, contextual and institutional. While most people are born either male or female, they are taught appropriate norms and behaviours— ***including how they should interact with others of the same or opposite sex within households, communities and work places. When individuals or groups do not "fit" established gender norms they often face stigma, discriminatory practices or social exclusion – all of which adversely affect health.***

Many homosexuals and transgender persons express their gender in ways that differ from what society considers appropriate. People who do not fit into the binary gender categories of "man" and "woman" may exhibit gender non-normativity. Because it stigmatizes characteristics that deviate from what society views as normal, the assumption that gender and sex are binary is harmful to everyone. A non-binary person does not identify as solely male or female. Either, neither, or a combination of the two might be how they identify themselves. A non-binary individual, for example, may have days when they feel more feminine and days when they feel more male. They may choose to dress more androgynically, or they may alter how they display themselves, including their clothing choices, and how they represent their gender. It's important to realize that non-binary identity is perfectly acceptable. It's neither "new" nor a decision. The existence of a broader gender range has been shown historically. According to gender expert and clinical social worker Rebecca Minor, "the gender binary is the false idea that there are only two genders and that every single person is one of these two genders." According to Minor, there are many different genders that fall within the non-binary category that a person may identify with.

To name just a few:

- Agender
- Gender Queer
- Gender-Fluid
- Gender Nonconforming
- Gender-Expansive
- Gender Void

- Gender Apathetic
- Pangender
- Polygender
- Although it is a difficult effort, it is feasible to change societal structures and attitudes to acknowledge sex as a spectrum. Both regulatory improvements and public education on the biological sex spectrum are necessary for meaningful change.
- The abbreviation for lesbian, gay, bisexual, transgender, and queer is “LGBTQ.” A woman who is attracted to another woman is known as a lesbian. Men who are attracted to other men are referred to as gay. A person who identifies as bisexual is drawn to more than one gender. Anyone whose gender identification (sexual orientation) is different from the one they were assigned at birth is considered transgender. A sexual or gender identity that deviates from conventional notions of sexuality and gender, particularly heterosexual standards, is referred to as queer. [Source: Oxford Dictionary of English].
- Attempts to characterize people or civilizations whose sex, gender role, gender identity, or sexual orientation do not fall into the binary scheme (heterosexual) of male and female gave rise to the phrase “third gender.” Among others, the phrase has been used to refer to Sworn Virgins of the Balkans, Fa’afafine of Polynesia, and Hijras of India and Pakistan. Although many disagree, lesbian, gay, bisexual, transgender, and intersex individuals have been classified as belonging to the third gender in the Western world. Although some anthropologists and sociologists have defined fourth, fifth, and many genders, the word “third” is often understood to signify “other.” Although the third gender is often excluded from the mainstream gender discourse, they are the most marginalized and destitute gender, even more so than women, due to severe discrimination and neglect.

Throughout the history of psychopathology (and its primary categorization systems), there have been several discussions and disputes about gender identity and sexual orientation. Lesbian, homosexual, bisexual, and transgender individuals in mental health treatment continue to face more or less subtle microaggressions, while the Diagnostic and Statistical Manual and the International Classification of Diseases continue to reformulate gender dysphoria. On the one hand, those who are now classified as LGBT were classified as mentally ill, associated with a stance of “transgression” and/or “deviation from a norm.” They often failed to distinguish between socially nonconforming behavior, mental illness, and the flexibility of gender presentation. From “conversion” treatments to microaggressions in LGBT people’s everyday lives, including those encountered by mental health professionals, some therapists’ activities continue to reflect this stance and the discourse’s historical foundations.

### **Historical Perspectives on Gender Fluidity**

Due to its perceived negative overtones, the first commonly used word, homosexual, was gradually supplanted in the 1950s and 1960s by homophile, then in the 1970s by gay. The term “gay and lesbian” gained popularity as lesbians developed more public personas. Lesbians who used the term “lesbian” to describe sexual attraction and who had a more essentialist belief that they were born homosexual sometimes saw lesbian feminists’ separatist, irate views as harmful to the cause of LGBT rights. Soon after, transgender and bisexual individuals also sought acceptance as accepted groups in the broader society. Some homosexuals and lesbians were less tolerant of bisexual or transgender persons after the initial euphoria of the Stonewall riots subsided, beginning in the late 1970s and early 1980s. It was believed that bisexuals were just homosexual men or lesbian women who were scared to come out and be open about who they were, while transgender persons were only playing out stereotypes. Conflicts over whether and how to connect with other gender and sexuality-based communities, often excluding other subgroups, have persisted to this day. Each community that is collectively included has worked to build its own identity.

In addition to the 2.5 million LGBTQ individuals listed by the Ministry of Health and Family Welfare in 2012, activists have calculated that there are at least 10 percent of India’s total population, or 135 million LGBTQ persons. Global estimates have been used to compute this, dating back to American scientist Alfred Kinsey’s groundbreaking

“Kinsey Reports” on sexuality from the middle of the 20th century. Since then, several additional Western-based assessments have also put the figure beyond 10%.

Since society does not consider bisexuals, homosexuals, lesbians, and transgender people to be the norm, the history of the LGBTQ community is complicated. The Third Gender group still needs to fight for true equality even if the Declaration of Independence states that “all men are created equal.” Since Thomas Babington Macaulay drafted the criminal code in 1862, Section 377 has been in effect on the subcontinent. As the leader of the Law Commission, Macaulay was enacting anti-sodomy legislation that made any sexual conduct “against the order of nature” illegal, much as the British were doing in all of its colonies that they claimed. For 157 years, the LGBTQ+ community in India endured horrific crimes under Section 377. Numerous reports exist of gang rape, police violence, extortion, raids on HIV/AIDS centers on the grounds that they were encouraging criminal activity, the kidnapping and killing of homosexual males, and the beating death of lesbian women.

When Indian Supreme Court Justice Indu Malhotra told a crowded courtroom in September 2018 that “history owes an apology to the members of (the LGBTQ+) community and their families ... for the ignominy and ostracism that they have suffered through the centuries,” multitudes of Indians cheered. This community’s inhabitants were forced to live in constant dread of persecution and retaliation. However, even after almost three years of this historic ruling, the majority of LGBTQ people claim that their lives have not altered much and that the community still has a long way to go.

While Western civilizations have only lately begun to acknowledge genders other than male and female, non-binary individuals have been integral to Hindu society for more than two millennia. Hindu sacred scriptures such as the Ramayana and the Mahabharata, where the Hindu hero Arjuna is portrayed as the third gender, provide proof for their presence in Hindu civilization. Throughout South Asian history, third gender individuals have often been admired; for instance, the Muslim rulers of the Mughal Empire, who ruled from the 15th to the 19th century, generously supported Indians of the third gender. Both Hindu and Muslim regimes saw many people ascend to important positions of authority.

Ancient India is full of stories of LGBTQ+ people. Awadh (present day Lucknow) had a ruler who would live as different genders and take on different sexual partners. Late 19<sup>th</sup> Century Bengali novels detailed lesbian relationships. Sufi Muslim books described romances between men. The Koovagam Festival traces its origins back to the third century BCE with the ancient myth of Lord Krishna who took the form of a woman to marry Aravan before the battle of Mahabharata. Their marriage is still celebrated today, with the Koovagam Festival becoming one the largest annual gatherings of trans people in India, or Hijra as they are called. Even further back, researchers estimate it was around 3102 BCE that homosexuality became recognized as “*tritiya-prakriti*” a separate and third gender.

31.5% of trans women reported having been coerced into having sex during their first sexual encounter with a male partner, according to the National Integrated Biological and Behavioural Surveillance (IBBS) carried out in 2014–15 by the National AIDS Control Organization (NACO) under the union ministry of health and family welfare (MoHFW).

Thirty-two percent were between the ages of 15 and 17, and more than a quarter, or 26 percent, were 14 or younger when they had their first sexual experience with a male partner. Of these, just 23.6% were older than 18.

The rape-related sections 375 and 376 of the Indian Penal Code (IPC), 1860, refer to a male as the attacker and a woman as the victim, in accordance with conventional gender standards. Section 18 of the Transgender Persons (Protection of Rights) Act, 2019 states that physical, sexual, verbal, and emotional abuse of a transgender person is punishable by imprisonment for six months to two years, along with a fine, while the maximum penalty for rape under the IPC may include the death penalty for extremely heinous cases.

The issue with the Transgender Persons (Protection of Rights) Act, according to LGBTQIA+ rights campaigner Indrajeet Ghorpade, is that it does not address the gender gap in the current rape legislation.

**“It is saddening that law-makers think sexual assault of trans-women is not of the same gravity as is it for cis-women,” Ghorpade told Article 14. “Perpetrators know that the worst that could happen is they would be behind bars for a maximum of two years as per the law.” He said victims also tend to be at great risk after that duration.**

Approaching the police to file a report has proven to be challenging for transgender survivors of attack, he added, since not only are they not acknowledged as victims of rape or other sexual offenses, but action against these crimes is also not guaranteed.

The main places for young people to get education, socialization, and services outside of their homes are schools and universities. Regardless of their gender identity or sexual orientation, students may find it challenging, but lesbian, gay, bisexual, and transgender (LGBT) youngsters often find it particularly hostile. Third Gender students across the country continue to experience bullying, exclusion, and discrimination in schools and higher education institutions due to a lack of policies and practices that affirm and support LGBT youths and a failure to put protections in place that do exist. This puts them at risk for physical and psychological harm and restricts their educational opportunities. Concerns include bullying and harassment, removal from curricula and resources, “restrictions” on LGBT student organizations, and various types of intolerance and discrimination against staff and students because of their gender identity and sexual orientation.

Because of their sexual orientation, LGBTQ kids are also more likely to experience bullying, and technological improvements have given rise to a new kind of abuse known as cyberbullying. Given the negative effects that cyberbullying may have on mental health, there may be a link between cyberbullying and LGBTQ youth suicide. Lesbian, homosexual, and bisexual teenagers had a considerably higher likelihood than their straight counterparts of having sex at any point in their lives, having numerous sexual partners, having sex before the age of 13, and having sex without a condom, according to data from the CDC’s 2017 teenagers Risk Behavior Survey (YRBS). As a result, they are more likely to get illnesses like HIV and STDs.

Historically, students who identify as LGBTQ (lesbian, gay, bisexual, transgender, queer, and questioning) have been marginalized, misunderstood, or invisible. According to school climate specialists, “you obviously won’t be fully present and immersed in learning if you don’t feel accepted, have to hide something fundamental about who you are, or are scared at every step.” According to a study by WestEd researchers in California, LGBTQ secondary students had worse academic performance and learning engagement than their heterosexual and non-transgender classmates, as well as a greater risk of bullying, chronic depression, and suicidal ideation. Additionally, LGBTQ children indicated that their professors provided them with far less social and developmental assistance. However, the study’s research indicates that discrepancies would vanish or significantly lessen if LGBTQ children had the same experiences with safety and support at school as non-transgender and heterosexual pupils.

Such studies conducted worldwide have consistently reflected the same results over the last two to three decades, which is a matter of grave concern. It might be direct teasing or taunts or constant barrage of negative comments like “that’s so gay” or “don’t be a sissy”- these students often receive a message that something is wrong with them and may feel a sense of identity crisis. Worse still, is feeling victimized by staff members of the educational institutions. Administrators often make fun of and put up barriers for non-binary students who use restrooms or locker rooms that correspond to their gender. While adhering to gender-specific clothing restrictions at school, transgender adolescents often have internal conflicts. High dropout rates, psychological trauma, and distorted career prospects among trans men and trans women are all caused by uniforms, among many other problems. Students also said they had trouble getting information on LGBT problems from instructors and counselors, and they couldn’t find much material on school computers or libraries.

According to a 2015 poll conducted in Kerala, about 60% of transgender people had left school as a result of “severe harassment” and other bad experiences connected to their gender. Only 12% of the transgender people surveyed were employed, and half of the respondents earned less than Rs 5,000 per month, according to the same report, which was written by Sangama, a human rights organization for people who are oppressed because of their sexual preferences and included interviews with 3,619 transgender people.

High incidences of violence against transgender people, especially by police officers, were also noted in the study. Nearly all (96%) of the respondents said they had not filed a complaint because of their gender identification, and more than half (52%) indicated they had experienced harassment from the police.

Three out of four transgender people in the National Capital Region (NCR) and 82% in Uttar Pradesh were never enrolled in school or dropped out before grade X, according to a similar 2017 study by the National Human Rights Commission (NHRC) that involved 900 transgender people in four districts of the NCR and Uttar Pradesh. Sixty-nine percent were employed in the informal sector, mostly singing, dancing, and “blessing” [transgender people from particular groups are asked to bless people at weddings or after giving birth]. Nearly fifteen percent were unemployed. This is a substantial source of income for a lot of individuals. 53% of respondents made less than Rs 10,000 a month, and three out of four were unhappy with their jobs or sources of income.

“The government has not initiated any survey or census on important issues that affect the transgender community,” said Kalki Subramaniam, founder and director of Sahodari Foundation on the lack of countrywide data addressing transgender issues. “We have no data on how many transgender persons are educated, how many are uneducated, how many are homeless, how many live with their families and how many live on the streets.”

There is no distinct category for the transgender population in the major national data sources on employment, education, and health that include sex-disaggregated data.

These datasets include the Periodic Labour Force Surveys, the main source of statistics on employment and labor force participation; the Unified District Information System for Education (UDISE), which compiles data from schools on enrollment and resources; and the National Family Health Survey (NFHS), which offers vital health and nutrition data.

There have been no surveys on transgender or intersex people and their concerns carried out by the Ministry of Statistics and Program Implementation’s National Statistical Office, which is in charge of conducting nationwide sample surveys.

Data on transgender people began to be gathered in 2016 for the National Crime Records Bureau’s annual Crime In India report, which includes information on all recorded crimes in India. However, since the study only covers offenses that are reported to the police and other law enforcement authorities, it could not accurately reflect the scope of crimes against transgender people, as is the case with other recorded crimes.

According to Ritushree Panigrahi, a transgender woman, corporate lawyer, and LGBTQIA+ activist, “the ‘other’ category in data forms, such as that in census 2011, seems like cherishing inclusion, but it is exclusionary and stigmatizing.” A directory of online platforms and streaming platforms to government websites that request gender data in binary was developed by Panigrahi and Ungender, a firm that promotes diversity and inclusion in the workplace.

**“Discrimination starts with segregation between humans,”** she said. “At one hand these gender data forms are giving option of Male/Female to the cis gender persons and on the other segregating the rest of genders in one category of ‘Others’.”

“Just putting out the ‘Others’ category or the transgender category does not help,” said Subramaniam of Sahodari Foundation, “because different people in different communities have different identities.”

Some of the respondents interviewed in the CIS report echoed the sentiment. “Non-binary people don’t prefer an identity of a trans man or a trans woman,” Sivakumar, co-founder of Nirangal, an NGO based in Chennai, told researcher Brindaalakshmi. “For instance, there is a category called Kothi. This category signifies an individual who is very feminine but wears shirts, pants or lungies. Kothi is a cultural category that falls in between ‘male’ and ‘trans woman’. Often Kothi-identified individuals, as well as gay and bisexual men, get classified as men who have sex with men under the government HIV program. If someone asks for an identity that is neither male nor female, neither trans woman nor trans man then what category is left for that person?”

The choice of numerous identities, according to some CIS research participants, may complicate and hinder the identification process for those who identify as anything other than the prevalent gender binary of male and female.

While there is a need for data, there is also a need for sensitisation, said Brindaalakshmi K., the author of the gendering data report. “As a first step, all involved--from the architect to the enumerators--should gain a clear understanding of the difference between sex and gender,” said Brindaalakshmi. *“Sensitisation and training would be essential to address the internal biases of all involved in the process. It will also help them understand the social and living circumstances of transgender and intersex persons before enumerating them. Otherwise, a mere attempt to collect data will not lead to integration of transgender and intersex persons.”*

Because of bullying, a significant portion of LGBTQ adolescents are quitting school. The Times of India further noted that bullying on the pretext of sexual orientation and gender identity (SOGI) is beginning at a young age. According to a research by UNESCO and Sahodaran, a male sexual health program located in Chennai, it starts in elementary school and affects the kids’ mental health and capacity to concentrate on their schoolwork. In India, about 70% of LGBTQ kids who are bullied experience anxiety, sadness, and academic setbacks. According to reports, 60% of pupils in high and secondary schools experience physical bullying. Of the LGBTQ kids polled, 43% (just under half) between the ages of 18 and 20 reported experiencing sexual harassment in elementary school. . “UNESCO’s work on preventing and addressing homophobic and transphobic violence including bullying in educational institutions, is in line with our mandate on ensuring the right to quality education for all in learning environments that are safe, non-violent and inclusive” said Sarita Jadav, National Programme Officer, UNESCO.

A third of adolescents who experience bullying leave school early. In reality, because of fear of harassment, more than 73% of students in the specified age range conceal their orientation and cut down on social activities. Teachers and administrators from educational institutions, as well as individuals from the transgender community and MSM (men having sex with men) who were between the ages of 18 and 22, participated in the survey. Despite this, the University Grants Commission (UGC) included gender identity and sexual orientation as components of ragging in the Anti-Ragging Regulations. According to the survey, people’s attitudes are gradually changing, especially those of children and young adults. Most of our school curriculum is insensitive, uncaring, and unjust to the transgender community because of the general underrepresentation of this group and the ongoing feeling of contempt and derision, even when the transgender community receives even the smallest amount of attention.

In schools, LGBT kids are harassed. Adolescence is difficult enough without having to worry about being harassed at a place where you should feel protected. Lesbian, homosexual, bisexual, and transgender (LGBT) students face daily harassment in schools throughout the nation. Students who are “just perceived” as LGBT are likewise subjected to harassment. Nearly 90% of LGBT students experience harassment, according to research conducted by the Gay, Lesbian, and Straight Education Network (GLSEN). According to the 2007 National School Climate Survey, in addition to experiencing harassment, 31.7% of LGBT students skipped a class and 32.7% missed a day of school in the previous month due to feelings of insecurity. Students cannot learn if they skip class, and their grades start to show it. Those who experienced harassment more often due to their gender identity or sexual orientation reported a grade point average (2.8 vs 2.4), which was about half a grade worse than that of those who experienced harassment less frequently. Teenagers should solely focus on learning the subject that is being taught in class. Harassment shouldn’t be among the many other things that most kids are thinking about. Because harassment is so ingrained in our society, far too many LGBT students feel it difficult to speak out about it. One of the few types of harassment that is still tolerated in popular society is LGBT harassment.

### **Conclusion:**

Despite the fact that the list is all-inclusive, LGBT students experience a recurring pattern of marginalization, exclusion, and isolation that makes them feel uncomfortable or dangerous at higher education institutions. Students often encounter derogatory remarks, are frequently misgendered, discouraged from engaging in same-sex relationships, and lack resources pertinent to their experiences. All of these contribute to the unfriendly atmosphere at educational institutions, which may have an effect on people’s health and wellbeing. Many individuals opt not to accept rather than to grasp the LGBTQ issue because it makes them uncomfortable.

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