

Gender based Discrimination and Human Rights: A Gift of Goddess Lakshmi

*Shubha Vats & Sejal Talgotra*¹

Introduction

Every human being should be treated equally and given the choice of gender. Gender will never be a determining factor in the pursuit of fundamental rights. As a result, no gender disparities can exist. A dignified life, in addition, necessitates education for proper personality growth. A Gift of Goddess Lakshmi, a biography of India's first transgender school principal, was co-written by Manobi Bandyopadhyay and Jhimli Mukherjee Pandey. Manobi Bandyopadhyay's quest for self-identity via education is depicted in this biography. The tension between Manobi's gender identity and her biography is the central theme. It's her fight and struggle that we're talking about over here. Humans have some natural and natural rights as a result of their being human. These rights are referred to as human rights. These rights are theirs simply by virtue of their being, and they become effective with their birth, regardless of caste, creed, faith, sex, or nationality. These rights are consistent with human dignity and equality and promote physical, moral, social, and spiritual well-being. By establishing favourable circumstances, they assist citizens in advancing materially and morally. Fundamental rights, inherent rights, natural rights, and birth rights are all terms used to describe human rights.

The term "Loka Samastha Sukhino Bhawanthu," which translates to "Loka Samastha Sukhino Bhawanthu," Sama is a character in the film Sama Sam is a man who enjoys doing stuff. Human rights are the greatest cultural and civilizational gift of classical and contemporary human thought. Every society is still fighting for the security, promotion, and preservation of human rights. The womb of the old gives birth to new privileges.²

The first clause of the Universal Declaration of Human Rights says that all human beings are born free and should be treated equal as far as dignity and individuality is concerned. They are gifted with reason and conscience, and must behave in fraternal manner with each other. Everyone has the right to all of the Declaration's rights and freedoms, irrespective of their race, colour, gender, religion, political beliefs, nation, society, property, birth and class. No distinction will be made based on a person's political influence or the country's international status. Thirty Articles of the Declaration are divided not only into civil and political rights, but also talks about economic, social, and cultural rights of mankind.

¹ Assistant Professors, The Law School, University of Jammu, Jammu, India.

(Corresponding Author) shubhapadha@gmail.com Research Scholar, Department of English, University of Jammu, Jammu, India. Most of the views so expressed in this article by the authors are the sole creation and thought process of assimilations of the concerned revelations and facts and therefore such ideas and thought-provoking analysis of the title of this article could be considered as genuine contribution by the authors. The authors are indeed indebted to the discussions and deliberations they had with the concerned stakeholders while writing this article as their inputs really made the allegorical significance of this article very decisive and worth understanding. The authors express their gratitude to them.

² Sharma Shobharam, "Transgender in India: Human Rights and Social Exclusion" All India Reporter 86 (2013).

Developmental Phase

Many of the rights mentioned above are available to humans. As a result, transgender people, as well as everyone who may not fit into the binary gender mould are also considered as humans. Almost all international documents claim that everyone is born with an intrinsic right to life and that law shall be protecting this right; and that no one's right to life will be violated arbitrarily. Transgender people and other sexual minorities will also benefit from these rights. Transgender people, on the other hand, have been persecuted, mocked, and despised all over the world. Even if they've had a bad life, transgender people are entitled to all of the protections outlined in international treaties. The United Nations has been a leader in the fight to protect and advance the rights of sexual minorities, including transgender people.³

The Office of the High Commissioner for Human Rights released its first report on LGBT people's human rights in December 2011. This study examines various types of discrimination and violence against LGBT people around the world, including discrimination in the workplace, health care, education, imprisonment, and torture. The Human Rights Council made two significant decisions in response to the publication of this report. A resolution calling for the decriminalization of homosexuality was signed by 85 countries in March 2011. Second, South Africa passed a resolution in favor of gay rights in June 2011. In the battle against homophobia and transphobia, the study emphasizes the value of shared community responsibility, and it calls on countries to defend citizens of all sexual orientations and gender identities.⁴

Discernment on the basis of sexual orientation and gender identity is a violation of the universal principle of equal dignity and rights for all people. Discrimination of this kind is prohibited by international law, both explicitly and implicitly. Almost every country recognizes man and woman as the two traditional gender identities and social roles, while all other gender identities and expressions are ignored. Some nations, however, have laws that recognize a third gender. As a result of a deep and broader understanding of the breadth of concepts outside of the conventional definitions of man and woman, many self-descriptions such as pander, polygender, genderqueer, and nonbinary are now becoming part of literature. Sex reassignments are now recognized in many countries, which encourage people to change their legal gender on their birth certificate.

Different Perceptions

All humans should be treated as equals and given the option regarding gender. In the pursuit of fundamental rights, gender can never be a deciding factor. As a consequence, there should be no gender inequality. Furthermore, for proper personality growth, a dignified life necessitates education. For children aged 6 to 14, the Indian Constitution recognizes the right

³ Ghoshal & Somak. "The Brave but Heart-breaking Journey of India's First Transgender College Principal." Huffpost. (2016).

⁴ Web source: (PDF) Transgender Rights as Human Rights (researchgate.net)(Last accessed on 24 Dec 2017).

to free and compulsory education.⁵ When education is withheld, discrimination exists. All should learn it because it gives people a sense of dignity and self-identity. Only a small number of transgender people have access to education, and they are fighting for their rights.

Manobi Bandyopadhyay and Jhimli Mukherjee Pandey collaborated on *A Gift of Goddess Lakshmi*, a biography of India's first transgender principal. Manobi Bandyopadhyay's quest for identity and individuality through education is depicted in this biography. In June 9, 2015, she became India's first transgender principal at Krishnagar Women's College in West Bengal.

"Education: If we understand, all of our problems will be solved," she tells her group. The plot follows a transgender woman who fights the myth that transgender people are strange, repulsive beings that are probably criminals and definitely worthy of contempt. Despite the fact that she was born transgender, Manobi sees herself as a woman trapped in a man's body. Despite her humiliation, Manobi tries to accept herself for who she is. Through the influence of education, she was able to change the trajectory of her life by gaining self-acceptance and social acceptance.⁶

In June 2015, Manobi Bandyopadhyay hit the headlines when she became the world's first transgender principal of any educational institution. The government-aided Krishnagar Women's College in Nadia district, about 100 kilometers north of Kolkata, was taken over by Bandyopadhyay, who was 50 at that time. The state was appreciated for this progressive decision to uplift the suppressed trans community. Bandyopadhyay was the first transgender person to get the degree of doctorate and to be the professor (she transitioned while teaching).

Formative viewpoints

A year before she was appointed principal, the Supreme Court issued a landmark decision granting third-gender status to transgender people if they so desired and ordering governments to safeguard the community by giving them the equal opportunities following years of indifference and discrimination. Bandyopadhyay is now a member of West Bengal's Transgender Development Board. Bandyopadhyay, the youngest of three siblings born in 1964, rose to national prominence as a result of the news. As Bandyopadhyay's biography to journalist Jhimli Mukherjee Pandey reveals, he was already a trailblazer and a public figure. When you are a transgender person, it is impossible to be non-transgender.

Bandyopadhyay's socially odd status was only augmented by her academic accomplishments, which she defied gender norms. She refused to join any hijra gharana and continued to live with her family despite their inability to assist her and was subjected to exploitative relationships as well as psychological trauma from colleagues.

⁵ Chakrapani Venkatesan, "Hijras/Transgender Women in India: HIV, Human Rights and Social Exclusion" Tg Issue Brief 8 (2010)

⁶ Web source: ijlls.in/wp-content/uploads/2017/12/ARTICLE_ON_TG_1-1.pdf (Last accessed on 24 Jan 2017).

Bandyopadhyay's life⁷ is a complicated story in several respects. It's a fascinating look at the origins of queer Indians: From the mid-1990s onwards, Bandyopadhyay published *Abomanob* (sub-human), a magazine that dealt with transgender issues. The fact that transgenderism was already being debated disproves the commonly held idea that millennials are the first generation to question gender and sexuality norms. Through the narrative of Jagadish, Bandyopadhyay's friend, we learn that some segments of Bihar's society are more accepting of homosexuality. The biography's sections on Jagadish emphasize Bandyopadhyay's heteronormative perspective on sex and marriage. Millennials are the first generation to question gender and sexuality norms. Through the narrative of Jagadish, Bandyopadhyay's friend, we learn that some segments of Bihar's society are more accepting of homosexuality. The biography's sections on Jagadish emphasize Bandyopadhyay's heteronormative perspective on sex and marriage.⁸

Additionally, the biography includes a list of transgender individuals' accounts of being bullied and discriminated against. She discusses her battle with the state's higher education department, which denied her promotion due to a discrepancy between the names on her pre-transition academic certificates and those on her PhD certificate. Additionally, she lists the number of times she has been forced to relocate due to conflict with her neighbors or the community. Bandyopadhyay encountered hostility in liberal spaces such as Jadavpur University (JU), where she studied in the 1980s. "Just because JU culture was more refined does not mean it was not divided into two sexes, as it was elsewhere in the world," she writes.

Conclusion

Simultaneously, the assumptions⁹ and biases of the narrator must be critically examined. When addressing one of her more serious relationships, she extols the domestic gender position that women must play. "I had already started looking after his general well-being and asked him to stop cooking," she writes, "even though I wasn't married to him yet." This may be just what she wanted, but it still perpetuates a myth that oppresses women all over the world. In December, Bandyopadhyay was back in the news. Due to a lack of support from the faculty and some students, she had resigned from the college. This biography places her point in detail. *A Gift of Goddess Lakshmi* depicts the extraordinary and courageous struggle of a transgendered woman to develop her identity and reach new heights. The core theme of Manobi's biography is her conflict with her gender identity. It is her fight and struggle.¹⁰

⁷ Bandyopadhyay, Manobi & Jhimli Mukherjee Pandey. *A Gift of Goddess Lakshmi: A Candid Biography of India's First Transgender Principal*. India: Penguin Books, (2017)

⁸ Mousumi Padhi & Purnima Anjali Mohanty, "Securing Transgender Rights through capability development", *Economic and Political Weekly* Web source: pdf (epw.in) (Last accessed on 21 Dec 2017).

⁹ Web source: 4115GI.p65 (socialjustice.nic.in) (Last accessed on 21 Jan 2017).

¹⁰ Ibid.