

A Review on Status of Transgenders from Social Exclusion to Social Inclusion in India”

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Abstract: Growing up in India as a transgender it's hard. We live in 21st century where human rights are assured and preserved for human beings except the third gender i.e., Transgender. Despite all constitutional guarantees, the Transgender are even denied to have their basic rights like Right to Dignity, Personal Liberty, Education, Freedom of expression etc. The present research paper deals with the problems, Transgender face in a developing country like India. The study also covers how the presence of Transgender is excluded from the society and what the law and order is doing to convert that social exclusion into social inclusion and what are the complexities are faced in this process.

Keywords: transgender, exclusion, inclusion, denying, empowerment, complexity.

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I. Introduction

The term transgender / Hijras in India can be known by different terminologies based on different region and communities such as **Kinnar**– regional variation of Hijras used in Delhi/ the North and other parts of India such as Maharashtra, **Aravani** – regional variation of Hijras used in Tamil Nadu. Some Aravani activists want the public and media to use the term 'Thirunangi' to refer to Aravanis. **Kothi** - biological male who shows varying degrees of 'femininity.' Some proportion of Hijras may also identify themselves as 'Kothis,' but not all Kothis identify themselves as transgender or Hijras, **Shiv-Shakti** - males who are possessed by or particularly close to a goddess and who have feminine gender expression, typically located in Andhra Pradesh. 5. Jogtas/Jogappas: Jogtas or Jogappas are those persons who are dedicated to and serve as a servant of Goddess Renukha Devi (Yellamma) whose temples are present in Maharashtra and Karnataka.

Broadly speaking the concept of transgender are extensive in its address, denoting the identity crisis and diversity of practices embodied between or beyond the categories of male and female. In this paper the term Transgender refer to Trans-sexual identities, practices and those articulated from other gender positions. The roots of Transgender in India dates back to thirteen and fourteen centuries. During Mughals period they enjoyed influential position and been considered as one of the important figures in the society but after British step in India, their position got altered and are been considered as “a breach of public decency.” This led to exclusion from the society or a group and then became a subject of everyday abuse and discrimination even after the collapse of British rule in India. Many researches have been carried out around the globe stressing on issue of Identity, Health and Social stigmata and efforts has being made to get their rights and freedom by trying to provide legal protection in the eyes of law and this battle is still continuing today. The roles and the behaviors of Hijras to perceived themselves as distinctly male and female may varies depending upon the individual's preferences however the identification of Hijras still remain doubtful until 2011, because the Indian census and Indian election commission classified them as 'others' But after a long struggle, in 2014 the Indian supreme court under the justice.K.S. Radhakrishnan and A.K.Sikri bench has passed a resolution to recognize them third gender category (NALSA V/S U.O.I. Case, 2014).

Despite advances in the past two decades, LGBTI (Lesbian, gay, bisexual, transgender, and intersex) people continue to face widespread discrimination and violence in many countries. This leads to exclusion, which has adverse impacts on both the lives of LGBTI people as well as on the communities and economies in which they live. Increasing evidence indicates that LGBTI people suffer lower education outcomes due to discrimination, bullying and violence; higher unemployment rates; and a lack of access to adequate housing and health services and financial services. As a result, LGBTI people are likely overrepresented in the bottom 40% of the population. For the first time, the World Bank attempted to quantify the productivity, investment and other economic costs of LGBT exclusion in a 2014 report titled the economic cost of stigma and the exclusion of LGBT people.

II. Literature Review

Many Researches has been enormously carried out on this area of study all around the globe stressing on the unique character of Hijras identity and their struggle towards equality, freedom of speech and expression revolving around their socioeconomic life with reference to multiple dimension of exclusion within Indian context. Different scholars have attempted to define and explain the nature of problem in their own field. One of the most outstanding literature on Hijras is “Neither man nor women: The Hijras of India” by Nanda Serena highlighting the roles of Hijras in association with mother goddess so as to embrace feminism in attaining a special and spiritual figure within the society. In addition, it also provides us a deep understanding of who they are and how they wish to identify themselves, giving a clear conception about difference between Trans-man and trans-women. (Nanda, 1990)

With respect to sex: Negotiating Hijras identity in south India is intensive work done by Gayatri Reddy highlighting the complex relationship between the Hijras and the local people in negotiating their identity across various aspects of life. She also stresses on the roles they contributed while performing the rituals and functions and made an attempt to understand their uniqueness character in establishing their identity. Another literature presented by Tissy Mariam Thomas, “Monograph on clan culture of Hijras”, is a beautiful piece of work illustrating the formation of Hijras identity in Bangalore within outside and inside of Gharanas with concern to social, political, economic and cultural barriers. He also stresses on need of creating awareness on Hijras towards hostility and intolerance prospective from the main stream.

Thus, there is no doubt that discrimination can be seen largely on all the areas which are found in all existing literatures and media signifying the problems and struggle face by them. Similarly, many scholars have confirmed and suggest that social exclusion of the Hijras led to diminishes of their identity, confidence, a sense of personal and social responsibility. Therefore, it is in need to educate all groups of people towards the Hijras for better society and for further development in the country (Gayatri reddy; 2005).

1. Objectives of Study: the objectives of the study are as follows

- 3.1. To study about Transgenders life style.
- 3.2. To find out what are problems facing during getting social security's.
- 3.3. To find out the causes of acid attacks on women.
- 3.4. To study about the problems of Acid Victimization.
- 3.5. To study various Government initiatives started in India

4. Scope of the study

The scope of this paper is mostly limited to causes of acid attacks and the legal matters only. However, the scope of this paper excludes the international framework, role of civil societies and ways to address the evil effects of the violence.

5. Limitations of the Study

In the present study there are some limitations as following:

- 5.1. The study was conducted in Bangalore and Bidar only and focused to the limited population of urban area.
- 5.2. The reason of selecting Bangalore and Bidar for data collection was that researcher herself familiar to these two regions. Although choosing that Bangalore and Bidar region was a subjective decision but due to limitation of time and resources researcher had to rely on subjective judgment.
- 5.3. Researcher has not enough resources and time to increase the area of research.

6. Research Methodology

6.1. Sources of Data: The study is exploratory in nature and is based on both primary and secondary data. Secondary data was collected from various journals, articles, working papers, NGO reports etc. Primary data was enumerated from a field survey in the study region.

6.2. Area of Sampling: The study was conducted in the district of Bidar and Bangalore Urban through a field survey to get an insight of challenges faced by acid victims.

6.3. Sample Size: 15 samples from the area of study have been considered to conduct the present study.

6.4. Method for data collection: A structured interview schedule was prepared and used for collecting data from the acid victims.

6.5. Statistical tools: cross tabulation is used for the analysis of the data.

III. Community Of Transgender In India

As per the Census of 2011, the total population of Transgender in India is 4.88 lakh. There are various types of transgender communities in India. The most prominent of these communities are known as Kothi (Represent themselves as male), Hijras (Biological males but reject masculine identity), Aravanis (Woman

wrapped in male body), Jogappa (Serve as servant of Goddess Renukha Devi), Shiv-shaktis (Males but have feminine gender expressions). The Transgender indeed are integral part of community but most neglected and denied one also. It is a biological phenomenon which brings changes in human body. In India, they indeed can be found and seen in each and every place as the most neglected one. When the child take birth in any Hindu family, they are called to give blessings to the child and even at the time of marriages, they are invited to bless the newly couple. Except these situations, they are treated as sin and curse to the society.

IV. Problems Of Transgenders

The Transgender fall under the category of LGBT group (Lesbian, Gay, Bisexual and Transgender). They belong to the marginalized group of the society which faces legal, social, cultural and economic difficulties. The problems faced by the Transgender community in India includes –

4.1. Discrimination: Discrimination is the major problem of Transgender. They are discriminated in terms of education, employment, entertainment, justice etc.

4.2. Disrespect: They are disrespected in each and every aspect of life except in few cases like after the birth of a child for their blessings or to bless the newly wedded couple.

4.3. Downtrodden: These people are treated badly or oppressed by people in power. They are prone to struggle for social justice because of their identity as Transgender.

4.4. Child Nabbing: This community always searches for those babies/ infants/ children who are born with this feature of Transgender. Once they come to know, they try to nab the child from their parents.

4.5. Prostitution: They are forced to enter the profession of prostitutions by their community, friends or relatives. Even, in some cases, it is seen that their parents are involved in it.

4.6. Forced to leave parental home: Once their identity is identified, they are forced and pressurize to leave the parental home by the society as they can't be a part and parcel of normal community and class.

4.7. Unwanted attention: People give unwanted attention to the Transgender in public. They try to create the scene by insulting, punishing, abusing or cursing them.

4.8. Rejection of entry: They are rejected to get enter in religious places, public places like hotels, restaurants, theaters, parks etc.

4.9. Rape and verbal and physical abuse: This is the most common people Transgender people face. They are prone to face rape followed by physical and verbal abuse.

4.10. Lack of educational facilities: Like normal people, they are not entitled to take education in schools and colleges. Even in terms of education, they are treated differently.

4.11. STI and HIV/AIDS problems: The term „MSM“ stands for Men who have sex with Men. Because of this, Transgender are likely to have problems like STI and HIV AIDS. Most of the Transgender belongs to lower socioeconomic status and have low literacy level. It seeks to have improper health care.

4.12. Human trafficking: Transgender belongs to the most neglected group. That's why; they are prone to face the problem of human trafficking also.

4.13. Social Exclusion: The major problem in the whole process is that they are socially excluded from the society. They are excluded from participating in social, cultural and economic life. In brief, they are excluded from –

- Economy, employment and livelihood opportunities
- Excluded from society and family
- Lack of protection from violence
- Restricted access to education, health care and personal care
- Limited access to public spaces
- Limited access to collectivization
- Rights of Citizenship
- Excluded from decision-making

• Lack of social security

2. **Methodology of Study:** It is mixed method research of the study, in that we done the Participation observation in community and in-depth interviews with Transgender community, and some secondary data sources collected from Indian census 2011, and W.H.O reports.

3. **A Expedition From Social Exclusion To Inclusion**

The journey of Transgender in a country like India is very struggling and sad. Though, apart from facing all problems, they are creating their own way and law and order are helping them in developing their community. The following points highlights the struggling journey of Transgender to become an inclusion part of India –

➤ **Constitutional Provisions**

India is a country where we have well-established framework of Fundamental Rights embedded in the constitution. From the point of view of Transgender, just like other two genders, they are entitled to the four important provisions of Fundamental Rights. Their Fundamental Rights are–

1. **Article 14** – Which states that the State shall not deny any person equality before the law or the equal protection of laws within the territories of the State.

2. **Article 15** – The State shall not discriminate against any citizen on the grounds of race, caste, religion, sex, place of birth or any of them.

3. **Article 19** – All citizens shall have rights of –

- Freedom of speech and expression;
- Freedom of assemble peaceably and without arms;
- Freedom to reside and settle in any part of the territory of India;
- Freedom to practice any profession or to carry on any occupation, trade or business

4. **Article 21**– Right to his life or personal liberty.

➤ **12th FIVE YEAR PLAN AND TRANSGENDER**

The Twelfth Five Year Plan (2012-2017) Proposed empowerment of the Third Gender by providing them education, housing, access to healthcare services, employment, skill development and financial assistance. In addition to this, it is also proposed that separate column must be incorporated in all government and non-government records for the third gender. It will enable the number of Transgender in India. The Ministry of Social Justice and Empowerment along with Ministry of Statistics and Program Implementation will map their Socio- economic status to create a better environment for them by improving their living standards.

➤ **LEGAL PROVISIONS**

To include Transgender socially and economically in society, the following efforts are ensured through legal procedure at State, National and Supreme level. In detail, they are as follows –

1. **AT STATE LEVEL**

At State level, the States of Tamil Nadu and Karnataka have implemented the most progressive and developmental policies for the Transgender in India. As per the recommendations of C.S. Dwarkanath Backward Classes Commission of 2010, the Transgender must be included in the category of Backward Class to enjoy government benefits. Recently, the State of Tamil Nadu appointed its first Transgender Police Officer Prithika Yashini to ensure employment to the third gender. In Tamil Nadu, due to the constant efforts of Transgender community leaders and activists, Tamil Nadu Transgender Welfare Board was formed to protect the ends and rights of Transgender including housing, employment education etc.

2. **AT NATIONAL LEVEL**

The report of Peoples’ Union for Civil Liberties (PUCL) recommends that “Civil rights under law such as the right to get a passport, ration card, make a will, inherit property and adopting children must be available to all regardless of change in their gender.

3. **SUPREME COURT JUDGEMENT**

The Supreme Court has directed Central and State Governments to grant legal recognition of gender identity whether it is a male, female or third gender. Apart from this, they are also directed to legally recognize for people who are transitioning within male/female binary. Proper health and sanitary facilities to Transgender

must be ensured by Centre and State. They are asked to provide various welfare schemes to treat the community as socially and economically backward classes.

➤ **TRANSGENDER COMMUNITY AND HIGHER EDUCATIONAL INSTITUTIONS**

On 29th October 2014, the University Grant Commission (UGC) issued a circular to all the Vice Chancellors of the Universities requesting them to include a column for Transgender Community in all applications forms. The circular also includes the directions related to the affirmative's actions taken by the Universities to ensure that the Transgender students gets acclimatized without facing humiliation, fear, stigma or shame. The circulars also included the clauses like creation of Transgender friendly infrastructure, organization of sensitization programs and research activities should be encouraged on them to bring the new issues and their solutions. For the MBA Maharashtra Common Entrance Test - 2017, Out of 363413 applicants, 9000 applicants belong to other gender means Third Gender. The column of others other than male and female were incorporated in the form specifically.

➤ **Rights Of Transgender Persons Bill, 2014**

On 24th April 2016, a private member's bill entitled "The Rights of Transgender Persons Bills, 2014" was passed by the Rajya Sabha and introduced in the Lok Sabha. The Bill deals with the different aspects like Social inclusion of Transgender, their rights and entitlements, financial and legal aids, education and skill development and prevention of abuse, violence and exploitation of Transgender.

V. Need For Reforms

There is an urgent need to reform the third gender community of India. Reforms are required to ensure that the third gender of India is properly justified and is able to live their life freely. The following suggestions would like to suggest for their betterment –

- 7.1. Inclusive approach for Transgender must be planned and adopted by the Government and Society. Though, policies have been framed but are poorly implemented.
- 7.2. Focused approach should be there to provide a protective shield to their problems.
- 7.3. Legal and the law enforcement systems need to be empowered and sensitized on the issues of Transgender community.
- 7.4. Criminal and disciplinary action must be taken against the people who commits violence against Transgender.
- 7.5. Strict action must be taken against parents who neglect, abuse or leave their child because of their biological difference.
- 7.6. Provision of free legal aid must be ensured for the Transgender community at ground level.
- 7.7. School and colleges need to play a supportive and encouraging role in providing education and value-system to Transgender.
- 7.8. Provision of social entitlement must be ensured.
- 7.9. Establishment of helpline for career planning and guidance, career opportunities and online placement system must be empowered.
- 7.10. Liberal credit facilities and financial assistance must be ensured to start up their career as an entrepreneur or businessman.
- 7.11. Separate policies related to health care must be framed and communicated in all private and public hospitals and clinics.
- 7.12. Awareness programs must be organized at mass level to outreach public and this community.
- 7.13. A comprehensive sex-education program should be incorporated in school curriculum and college syllabus to aware students at ground level.

VI. Conclusion

Based on literature review it is well understood that transgender are the people whose identities fall outside the other gender norms. As it previously said, transgender is known by different names based on geographical region on which eunuch is one term referring to those people who undergoes emasculation process in order to become Hijras. However, in India transgender are mostly known by the term Hijras. Even after a long struggle till today Hijras undergoes multiple dimensional problem like social and cultural barriers apart from genetic factors due to which they live frustration and humiliation throughout their life which can indirectly bring a threat to some other issues and problem within the society. For a country like India where patriarchal society exists, it is indeed hard to accept the gender variants since it is considered as crude and taboo in cultural norms. Many scholars have carried out numerous researches on various dimension in order to understand and explain the problems faced by the Hijras and various views has been given in order to uplift and bring justice to them. In order to provide equality to Hijras, efforts have been made by several NGO and some state government

within the country so as to empower and give equal their rights to them. Due to this, schemes like welfare schemes, Transgender policy etc. has been introduced to protect them from exploitations, deprivations and social exclusions within the county. With this effort, few development and changes can be seen in sectors like film industry, corporate, private and some government jobs. However, many times most researchers fail to highlight the impact of relationship with regards to their identity, which can enhance a sense of security, belongings and confidence with the other groups (mass). In addition, which can be a positive factor for bringing peace within the society that can contributes towards living a solidarity and harmony life and if we could achieve than it would be one of the greatest achievements towards humankind where equality speaks for all.

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