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Socio–Economic And Political Exclusion Of Transgenders In India

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ABSTRACT

Transgender people are a diverse population of individuals who cross or transcend culturally defined categories of gender. Transgender persons are one such group of people who have been marginalized, abused, disdained and callously neglected community in almost every known society. Transgender is often used as an umbrella term to signify individuals who defy rigid, binary gender constructions and who express or present a breaking and blurring of culturally prevalent stereotypically gender roles. Their social exclusion from the mainstream society is being documented in the modern epoch, especially spotlighting social barriers and disabilities in attaining opportunities for a socially productive life. The aim of study is to highlight the socio-economic and political exclusion of trans-genders in India. With an increasing issues in India, one of the major social issues concerning within the country is the identity of transgender. Over a decade in India, the issue of transgender has been a matter of quest in both social and cultural context where gender equality still remains a challenging factor towards the development of society because gender stratification much exists in every spheres of life as one of the barriers prevailing within the social structure of India. Similarly the issue of transgender is still in debate and uncertain even after the Supreme of India recognize them as a third gender people. In this paper I express my views on the issue of transgender in defining their socio – cultural exclusion and inclusion problems and development process in the society, and Perceptions by the main stream.
Keywords: Exclusion, Political, Socio-economic, Transgender

INTRODUCTION

Transgender is a term used to describe whose identity or appearance differs from stereotypical expectations of how men and women should look or act. It also includes a much larger group of people who don't necessarily undergo medical treatment, but who do not conform to the idea men have to be stereotypically masculine and women have to be stereotypically feminine. In other words, a transgender is a person whose gender identity or gender expression differs from that associated with his or her birth-sex. Since the beginning of time and the existence of mankind, transgender have been very much a part of the society. It is just that they have been given a name and a status in the society in recent times (Mohammed & Nishanthi, 2016). Throughout history, these cultures sometimes revered and celebrated these individuals as shamans or oracles, and there is even a recorded instance of a dual-gender god being worshiped in Peru by the Incans. There are different names in different cultures for transgenders like, *hijra* in India, the Polynesian *mahu*, South American *travesti*, Native American —two-spirit, Navajo *nádleehí*, and the native Hawaiian *mahu*, to name a few of the genders identities that move beyond the gender binary of male and female (Tejada III; 2016). In earliest civilizations, throughout Europe, Asia,

the Middle East and Northern Africa, tribes of different types venerated what they often identified as ―The Great Mother. In nearly all of these traditions, male to female (MTF) priestesses (often castrated or with some form of eunuching, which included a number of different body modifications of the time) presided, and the cultures were primarily communal systems which held women (venerated as a source of life) in high esteem. By the end of the seventeenth century in England, gender crossing (or dressing as the other sex) was considered a crime, which created a foundation for similar laws in the United States (Bullough and Bullough, 1993). Since individuals who cross-dressed were forced to keep their identity a secret, historical data on discrimination and violence toward transgender individuals are scant. However, individual accounts detail many instances of harassment, humiliation, and violence, as well as the fear of being discovered and arrested or killed for their gender variance (IOM 2011). In past they have also attempted to appropriate rituals, folklore and legends in order to obtain a sense of self-validation and carve out a niche for themselves in the traditional social structures. In various cultures, transgenders were seen as having special powers due to their assumed third sex dimension, and were allowed to take part in semi-religious ceremonies (Veeramani; 2018). Likewisethe Hijra communities in India have a recorded history of more than 4,000 years'. These people, who are born as intersex or as male (some undergo castration), currently form a third sex/gender community in India, tracing their origins to the myths in the ancient Hindu scriptures of the Ramayana and Mahabharata. Historically, Hijras belonged to the Eunuch culture that was common across the Middle East and India, where Eunuchs worked as guards, advisors, and entertainers (PUCL-K; 2003). Other forms of sex/gender diversity were also socially accepted in ancient India. Historically, sex/gender variant women took roles as mercenaries, advisors, and religious people, and same sex sexual expression is also documented, often taking place alongside opposite sex relationships; _traditionally, sexuality has always been more fluid, less rigidly categorized [than in the West]. They are seen as having the power to curse or bless people, due to their spiritual heritage, and they are also seen as having a huge potential for embarrassment because they threaten to expose themselves physically if they are not paid for attending events such as weddings. The Hijras utilize these sources of power, retaining a somewhat secure position in society (Hines & Sanger 2010, 251). They also served as the caretakers of Mughal harems and made significant contributions to art, music, and poetry. Ancient legend has it that Khwaja Sera's prayers and *bad-dua* are answered by God, bestowing them with the unique ability to bring good fortune and fertility. Despite their once respectable position in society, their status has significantly deteriorated over the years, forcing many into begging and prostitution. Mughal Empire ended and Harem culture became extinct. But recent history has seen a revival of transgender community status in South Asia where India and Nepal built on a number of legal and policy reforms. In an April 2014 decision, India's Supreme Court for the first time recognized a third gender category, giving transgender individuals formal recognition, legal status, and protection under the law. So it is evident that Transgender community has been equally active in ancient history from Middle East to Africa, Asia to Europe and North America to South America. It was believed that transgender or eunuch are dually gifted and dually respected in all eras (AFIS; 2016).

The term transgender/Hijras in India can be known by different terminologies based on different region and communities such as

1. Kinnar– regional variation of Hijras used in Delhi/ the North and other parts of India such as Maharashtra.

2. 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.

3. 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.

4. 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 figure 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 research has 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 behaviours 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 recognise them third gender category (NALSA V/S U.O.I. Case, 2014).

THEORITICAL BACKGROUND

The traditional societal norms and beliefs are objecting and unscrambling the transgender group by treating them as sex icons rather than humankinds. Hence the transgender have poor social and familial relations; they are excluded everywhere, a reason for which they are not responsible; that is, their gender identity (George & Narayan; 2013). So, the identity is imperative for individual's status at individual, family and at social level as well. It determines the position of an individual in social milieu. Even transgender groups are usually formed on the basis of shared identity. Recent Transgender Theory captures lived experiences of transgenders with respect to sex, gender, sexuality, identity, and body politics and this is what differentiates transgender theory with feminist critique on sex, gender and sexuality and Queer Theory (Roen; 2002). Throughout the 1990s, a number of transgender writers articulated their personal gender trajectories, and engaged with the theoretical debates of feminism, postmodernism and queer theory, as well as providing an explicit critique of medical discourse. The growing area of transgender studies brings different meanings to the term transgender and reflects a diversity of theoretical positions. Transgender studies incorporate a body of work that is autobiographical in its style and content, and includes political commentary aligned with transgender community activism. In common with much feminist work there is no strict demarcation between these areas, leading many writers to move between the theoretical, the autobiographical and the structurally political; thus bringing subjectivity and social and political comment to theoretical engagement. The speedy development of deconstructions of sex, gender and sexuality from postmodernism and queer theory focused the academic

gaze on transgender during the second half of the 1990s. Alongside community activism and political organization, transgender studies developed rapidly to become visible in all areas of academia. The growth of home computers also gave increased access to a transgender community for transgender people, which, in turn, gave a new impetus to community activism. Leslie Feinberg envisaged a united movement of all individuals who fell outside gendered social conventions and embodied norms (Hines; 2007). Mainly there are three main theories of gender in order to explain Trans-gendering; Essentialism, Social Constructionism, and Performativity.

Essentialist theory places emphasis on biological processes and argues that gender is a fixed trait, as opposed to a social construction. This means gender is something that will not vary much over time and space, either on an individual basis or in society in general. In essentialism, transgendered individuals might view themselves as always having felt that they were actually members of the sex category opposite their biological sex at birth. Some argue that they were born transgender; for example, they state that they were born male but have felt for as long as they can remember that they were supposed to be female. In this case, they view their sex as male, but their gender identity is actually female. This is an essentialist notion of trans-gendering, as it relies on the idea that a person has a gender identity that he or she is born with, as opposed to one that is constructed or developed throughout that person's life. An example of the essentialist theory is seen in the narrative given by some transsexuals. Transsexuals feel the need to change their sex to match their gender identities, seen as an inborn trait. Their narratives often involve the feeling that they were born into the wrong sex and therefore need to change their physiology to more closely approximate the sex that corresponds with their sense of gender identity. What surfaces here are sometimes unacknowledged essentialisms that in this context might be described as mind essentialism and body essentialism?

REVIEW OF LITERATURE

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 stress 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 stress 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

Kumaradhas.J.P[1] , Dr. P. K. Muthukumar[2]

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; 2005).

SOCIAL EXCLUSION OF 'HIJAT's'/TRANSGENDER WOMEN

Social Exclusion Framework is increasingly used in highlighting the issues and problems faced by disadvantaged and disenfranchised groups. It provides a multidimensional and dynamic framework that focuses attention on both the causes and consequences of social disadvantage. Social Exclusion Framework is seen as having particular salience in addressing the barriers to meeting the Millennium Development Goals, particularly where these relate to exclusionary social relations and institutions. Adapting the Social Exclusion Framework to Hijras/TG women, one can understand how TG communities have been excluded from effectively participating in social and cultural life; economy; and politics and decision-making processes. This section uses this framework to illustrate the multiple forms of oppression faced by Hijras/TG communities. It is as follows (UNDP; 2010).

EXCLUSION FROM SOCIAL PARTICIPATION

Exclusion from family and society in general, Indians tolerate, accept, and respect a wide range of differences in cultures, religions, languages, and customs. Despite Indian society's general climate of acceptance and tolerance, there appears to be limited public knowledge and understanding of same sex sexual orientation and people whose gender identity and expression are incongruent with their biological sex. Human rights violations against sexual minorities including the transgender communities in India have been widely documented. Most families do not accept if their male child starts behaving in ways that are considered feminine or inappropriate to the expected gender role. Consequently, family members may threaten, scold or even assault their son/sibling from behaving or dressing-up like a girl or woman. Some parents may outright disown and evict their own child for crossing the prescribed gender norms of the society and for not fulfilling the roles expected from a male child. Parents may provide several reasons for doing so: bringing disgrace and shame to the family; diminished chances of their child getting married to a woman in the future and thus end of their generation (if they have only one male child); and perceived inability on the part of their child to take care of the family. Thus, later transgender women may find it difficult even to claim their share of the property or inherit what would be lawfully theirs. Sometimes, the child or teenager may decide to run away from the family not able to tolerate the discrimination or not wanting to bring shame to one's family. Some of them may eventually find their way to Hijras communities. This means many Hijras are not educated or uneducated and consequently find it difficult to get jobs. Moreover, it is hard to find people who employ Hijras/TG people. Some members of the society ridicule gender-variant people for being 'different' and they may even be hostile. Even from police, they face physical and verbal abuse, forced sex, extortion of money and materials; and arrests on false allegations. Absence of protection from police means ruffians find Hijras/TG people as easy targets for extorting money and as sexual objects. A 2007 study documented that in the past one year, the percentage of those MSM and Hijras reported forced sex is 46%; physical abuse is 44%; verbal abuse is 56%; blackmail for money is 31%; and threat to life is 24%.Discrimination in healthcare settings Hijras face

discrimination even in the healthcare settings. Often, healthcare providers rarely had the opportunity to understand the sexual diversities and they do not have adequate knowledge about the health issues of sexual minorities. Thus, TG people face unique barriers when accessing public or private health services. Barriers in accessing HIV testing, antiretroviral treatment and sexual health services have been well documented .Types of discrimination reported by Hijras/TG communities in the healthcare settings include: deliberate use of male pronouns in addressing Hijras; registering them as 'males' and admitting them in male wards, humiliation faced in having to stand in the male queue; verbal harassment by the hospital staff and patients; and lack of healthcare providers who are sensitive to and trained on providing treatment/care to transgender people and even denial of medical services. Discrimination could be due to transgender status, sex work status or HIV status or a combination of these (UNDP; 2010).

EXCLUSION FROM POLITICAL PARTICIPATION

Legal, civil, and political rights in 1871, the British enacted the Criminal Tribes Act, 1871, under which certain tribes and communities were considered to be 'addicted to the systematic commission of non-bail able offences'. These communities and tribes were perceived to be criminals by birth, with criminality being passed on from generation to generation. In 1897, the Criminal Tribes Act of 1871 was amended and under the provisions of this statute, "a eunuch deemed to include all members of the male sex who admit themselves or on medical inspection clearly appear, to be impotent". The local government was required to keep a register of the names and residences of all the eunuchs who are "reasonably suspected of kidnapping or castrating children or of committing offences under Section 377 of the Indian Penal Code. In addition, "any eunuch so registered who appear dressed or ornamented like a woman in a public street. Or who dances or plays music or takes part in any public exhibition, in a public street [Could] be arrested without warrant and Hijras were also reportedly harassed by police by threatening to file a criminal case under Sec-377 IPC (UNDP; 2010). In July 2009, the Delhi High Court ruled that consensual same-sex relations between adults in private cannot be criminalized. Soon after that judgment, appeals in the Indian Supreme court objecting to the ruling were lodged; the Indian government has yet to submit a formal response. Legal issues can be complex for people who change sex, as well as for those who are gender-variant. Legal issues

Include; legal recognition of their gender identity, same-sex marriage, child adoption, Inheritance, wills and trusts, immigration status, employment discrimination, and access to public and private health benefits. Especially, getting legal recognition of gender identity as a woman or transgender woman is a complicated process. Lack of legal recognition has important consequences in getting government ration (food-price subsidy) shop card, passport, and bank account. Transgender people now have the option to vote as a woman or 'other'. However, the legal validity of the voter's identity card in relation to confirming one's gender identity is not clear. Hijras had contested elections in the past. It has been documented that the victory of a transgender person who contested in an election was overturned since that person contested as a 'female', which was thus considered a fraud and illegal. Thus, the right to contest in elections is yet to be realized. Challenges in collectivization and strengthening community organizations a recent mapping study showed that only 103 organizations and networks (that include agencies providing services for MSM) were found to be working with transgender people in India. Even among these, only half (46/103) of these organizations are community-owned organizations. Given the importance given by the government to CBOs in leading the HIV responses, one would expect Hijras/TG people not to face any problems in forming or sustaining organizations of their own. Experiences of these communities suggest otherwise. Many have faced many challenges in community mobilization and

legally registering their organizations. Stringent registration and legal procedures some of the legal provisions (e.g., Indian Trust Act, Societies registration Act) that enable a group of individuals to form a legal association pose challenges for Hijras/TG communities. For example, the need of address proof and identity proof of all members of the group is the basic requirement to register an association. However, most Hijras/TG do not have identity and/or address proof or because they have documents only with their male identity. Similarly, opening a joint bank account to carry out financial transactions of their association proves to be difficult. Lacks of sensitivity among public department officials In spite of the above challenges, a few CBOs of Hijras across India were able to meet the legal requirements for registration. However, Hijras reportedly had issues with the government officials who are in-charge of processing the registration formalities they were asked unnecessary and irrelevant queries and there was unnecessary delay Buying or hiring office space Hiring an office space for the legal association is very difficult. Even if they get one, the land-lords quote unfair rent prices. Lack of funding support Hijras/TG associations rarely get external financial support. Even those funders who might want to support primarily want to fund for HIV prevention activities. Through the National AIDS Control Programmed, only a few CBOs of TG/Hijras have been granted TI projects. Need for community systems strengthening many of the existing Hijras/TG organizations lack basic systems that are essential for effectively running an organization. It is crucial that the capacity of these organizations be enhanced for effective community mobilization and providing quality services (UNDP; 2010).

EXCLUSION FROM ECONOMIC PATICIPATION AND LACK OF SOCIAL SECURITY

Hijras/TG communities face a variety of social security issues. Since most Hijras run away or evicted from home, they do not expect support from their biological family in the long run. Subsequently, they face a lot of challenges especially when they are not in a position to earn (or has decreased earning capacity) due to health concerns, lack of employment opportunities, or old age. . Some of the important issues and concerns faced by Hijras/TG communities in relation to social security measures are given below. Lack of livelihood options most employers deny employment for even qualified and skilled transgender people. Sporadic success stories of self-employed Hijras who run food shops, or organize cultural programs are reported in some states. However, those are exceptions. Lack of livelihood options is a key reason for a significant proportion of transgender people to choose or continue to be in sex work - with its associated HIV and health-related risks. Recently, there have been isolated initiatives that offer mainstream jobs to qualified TG women such as agents for Life Insurance Corporation of India. Lack of specific social welfare schemes and barriers to use existing schemes. Social welfare departments provide a variety of social welfare schemes for socially and economically disadvantaged groups. However, so far, no specific schemes are available for Hijras except some rare cases of providing land for Aravanis in Tamil Nadu. Recently, the state government of Andhra Pradesh has ordered the Minority Welfare Department to consider 'Hijras' as a minority and develop welfare schemes for them. Stringent and cumbersome procedures need for address proof, identity proof, and income certificate all hinder even deserving people from making use of available schemes. In addition, most Hijras/TG communities do not know much about social welfare schemes available for them. Only the Department of Social Welfare in the state of Tamil Nadu has recently established 'Aravanis/Transgender Women Welfare Board' to address the social welfare issues of Aravanis/Hijras. No other state has replicated this initiative so far. Lack of access to Life and Health insurance schemes Most Hijras are not under any life or health insurance schemes because of lack of knowledge; inability to pay premiums; or not able to get enrolled in the

schemes. Thus, most of rely on the government hospitals in spite of the reality of the pervasive discrimination (UNDP; 2010).

CONCLUSION

The transgenders are also economically marginalized sections of our society since they are deprived of basic needs, infrastructure, education, properties, self employment opportunities, public employment opportunities and other economic resources. These transgenders are also deprived of basic health care facilities in general and advanced medical care facilities in particular. They suffer from innumerable health hazards which have cost their lives and prosperity very dearly. They also suffer from several types of violations of human rights since they are excluded from the mainstream of national life. They were denied of civic identities, amenities and facilities; wanted to live a normal life by obtaining financial assistance and moral support from the government and society; transgenders wanted to live with social dignity and economic independence. The study accentuates that transgenders need all round support for meaningful sustenance in the modern society.

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 are 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 cruse and taboo in cultural norms. Many scholars has carried out numerous research 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 has 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 achieved than it would be one of the greatest achievement towards humankind where equality speaks for all.

RECOMMENDATION

Study on the Hijras is one of the most interesting areas for a researcher to conduct which does not only provide significant information but also at the same time understand the community as a whole, which can play a positive role in bringing changes not only in the Indian society but also in global scenario. Some suggestions, which can be carried out for further research, are as given below:

I.   Trans-genders need to believe in them, they need to believe that things would change but not as the way they think. Transgenders are having very good physical and mental strength, hence they can think of engaging themselves in socially acceptable business activities. They should not take

revenge to punish the society, because the society is not at all responsible for their misfortune in born. When they involve themselves in socially accepted business activities with social consciousness the society will be ready to recognize them. When they come out from doing petty jobs and begging and involve in socially accepted business practices they will get public support, sympathy and co-operation. When they have self confidence and mental courage they will get material prosperity and will get the respect from the society.

II.   The government and other stakeholders should develop a sense of conscience and empathy towards the sexual minorities and prepare grounds for making transgender community free from violence, discrimination, exploitation and other oppressive features at all levels of the modern society.

III. Scrutiny on Hijras is needed while making policy formulation n developmental programs. Greater understanding and constant support for active participation of Hijras in the society.

IV.   Hijras/Transgender women require understanding and support of the government, health care Professionals, general public as well as their family members. We need to understand and accept that humans are diverse. People have the right to be what they are and what they want to be. For transgender people, the same holds true.

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