

SOCIAL EXCLUSION: A CHALLENGE FOR THE STATUS OF TRANSGENDER PEOPLE OF TIRUNELVELI DISTRICT

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ABSTRACT: The Male to Female (MTF) Transgender in Indian commonly known as the Hijras are one of the hardly researched, abused, scorned, and callously neglected groups in Indian Society. An exploratory cum descriptive research design with a non-random purposive sampling including the snowball technique was adopted, to collect data from sixty-three hijras across the districts of Tirunelveli the state of Tamilnadu, India.

The socio economic status was measured using the Kuppuswamy Scale (2005). Among the hijras, more than half of them belonged to the middle class and about forty percent belonged to the upper-lower class. Majority of hijras stated that they faced several health problems and also problems related to harassment, unlawful penalties, sexual abuse, violence and deprivation of human rights. They chiefly named the police including the traffic and railway police, as perpetrators of violence and abuse. By creating and recognizing transgender rights, India has the capacity to battle its current HIV/AIDS epidemic in a meaningful way, give real effect to the human rights of sexual minorities, and serve as a model for other nations to recognize gender-based rights. In order to accomplish these goals, however, India must repeal current discriminatory laws and enact equal opportunity legislation on the basis of gender and sexuality. In order to bring meaningful changes, formal legislation must be passed, and with the help of the human rights activists and unions, the legislation could very well happen along the lines of the recent supreme court judgement where transgender are legally recognized as third gender.

KEYWORDS: Transgender, Third gender, Hijras, Aravani, health, Police.

1. INTRODUCTION

"Sex is what you are born with, gender is what you recognize and sexuality is what you discover." This was a comment made by one of the first hijra respondents of this Study [1]. It seemingly came straight from the heart full of her conviction and philosophy making no attempts to quote any authors or dictionary. The significance in her comment was the ease with which she conceptualized the three constructs which theorists and researchers grapple with. Kimmel [2] quotes sociologists Candace West and Don Zimmerman about their argument that "gender was less a component of identity – fixed, static- that we take with us into our interactions, but rather the product of those interactions." Emphasizing the social construct of gender they argued that "a person's gender is not simply an aspect of what one is, but more fundamentally, it is something that one does, and does recurrently, in interaction with others." Transgenderism is one such phenomena where the, transgendering" person. gradually but recurrently perceives and recognizes his/her gender as different from the one assigned at birth, discovers and unfolds ones" sexuality in the midst of perceived as well as publicly expressed rejection and isolation in society at large. The focus of this study is the Male to Female (MTF) Transgender in India particularly in Tirunelveli, commonly known as the Hijras. Operationally defined, a hijra refers to a human person who appears to have characteristics of both the genders that is masculine and feminine. One who is predominantly physically male who may or may not have undergone castration (removal of penis and/or testicles), vaginoplasty, breast implants and has taken upon a feminine identity wearing female attire and claiming to be a part of the hijra community/cult with a hijra identity. In other words, a person who identifies oneself as opposite to the sex/gender assigned

at birth and calls oneself a hijra/transgender/woman/kothi. **Transgender** is the state of one's gender identity or gender expression not matching one's assigned sex. The definition of *transgender* includes, "People who were assigned a sex, usually at birth and based on their genitals, but who feel that this is a false or incomplete description of themselves. The landmark ruling of the Indian Supreme Court that transgender people as a third gender has stirred immense intellectual debates about the status to be accorded to this hitherto socially excluded and oppressed group. On 15 April 2014 Justice KS Radhakrishnan, who headed the two-judge Supreme Court bench, said in his ruling that recognition of transgender as a third gender is not a social or medical issue but a human rights issue." Transgender are also citizens of India" and they must be "provided equal opportunity to grow", the court said. —The spirit of the Constitution is to provide equal opportunity to every citizen to grow and attain their potential, irrespective of caste, religion or gender.¶

This verdict has no doubt raised a voice against the violation of human rights of a minority group of citizens of a country who were economically marginalized, socially stigmatized and politically deprived.

The term 'transgender people' is generally used to describe those who transgress social gender norms. The contemporary term —transgenderl arose in the mid-1990s from the grassroots community to designate gender-different people. 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/or blurring of culturally prevalent stereotypical gender roles. Transgender people may live full- or part-time in the

gender role 'opposite' to their biological sex (UNDP, 2010). Transgender are variedly called in different places though they are essentially cross dressers. Sometimes they are referred to as —transvestites, —drag queens, or —drag kings. In Tamil Nadu they are identified as —Aravani. In Delhi, they are labeled as Kinnars. Other current synonyms for transgender include —gender variant, —gender different, and —gender non-conforming. The transgender were socially disadvantaged, economically deprived and politically disenfranchised. **Transgender in Indian law** Right from the Criminal Tribes Act of 1871, the transgender community was categorized as "criminals" who were "addicted" to committing serious crimes. They were arrested for dressing in women's clothing or dancing or playing music in public places, and for indulging in gay sex. After Independence, the law was repealed in 1949, but mistrust of the transgender community has continued. This has pushed the transgender to the margin without any serious effort to mainstream (Pandey, 2014). The Indian legislations have made no serious attempt to integrate this group in the mainstream population .

2. REVIEW OF LITREATURE

Gagne and Tewksbury (1996, 1998) found that many MTF individuals who disclosed their gender identity at work were fired, demoted, pressured to quit, and subject to harassment by co-workers. If they remained on a job during a transition, they were pressured to have a rapid, complete, and convincing feminine presentation. They also found that MTF people wh() lived full-time as women were vastly underemployed. Clements-Nolle, Marx, Guzman, and Katz (2001) found that FfMs had more education and a higher income than MTFs.

Eighty-one percent of FfMs had obtained money in the past 6 months from part-or full-time employment, but only 40% of MTFs had obtained money that way.

In Lombardi's study (1999), trans people who had a higher proportion of trans people and relatives among their close confidantes had fewer depressive symptoms than trans people with smaller proportions of trans people and relatives among their close confidantes. Lombardi compared these findings about the close confidantes of Trans people with results from the 1985.

Etymology and Understanding the Hijras A Nepali lexicon noted that the word hijra was derived from the Persian *hiz*. *Hiz* meant one who is „effeminate,“disdains woman,“ „a catamite.“[8]. According to Muzaffar Alam, a foremost Persianist, *hiz* was from old Pahlavi Persian, a sister language of Sanskrit, before the eighth century A.D. *Hiz* meant ineffective and incompetent. Other Persianists suggest that the origin of hijra was *hich*, from the word

hichgah meaning nowhere. It meant a person who is nowhere, a thing that has no place, no identity or personality of its own [9]. The Urdu and Hindi word "hijra" may alternately be

romanised as hijira, hijda, hijada, hijara, hijrah and is pronounced "heejra" or "heejda". An older name for hijras is kinnar, which is used by some hijra groups as a more

respectable and formal term. An abusive slang for hijra in Hindi is *chhakka* [10].

The primary cultural definition of hijras, however is that they begin life as men, albeit incomplete men [8]. The most obvious expression of hijras as women is in their dress. Wearing female attire and their characteristic clapping of hands is an essential and defining characteristic. Hijras also take female names when they join the community and they use female kinship terms for each other such as "sister," "aunty" and "grandmother". Their language consists of the use of feminine expressions and intonations. Hence, I choose to refer to the hijras using the feminine pronouns like she, her et cetera.

OBJECTIVE OF THE STUDY: The study mainly focuses on the observing the present A Challenge for the status of third gender in Tirunelveli.

3. METHODOLOGY:

An exploratory cum descriptive research design with a non-probability purposive sampling to collect data from Seventy five hijras having given their oral consent for the interview. Hijras are strictly secretive about divulging any information concerning them, hence the long span and difficulty in data collection. A multi-tool approach for data collection based on the objectives consisted of a Structured Interview Schedule with closed and open ended questions and four Focus Group Discussions (FGD). The study is organized with the help of secondary data collected from articles, publications and websites.

4. THE INDIAN THIRD GENDER – AN OVER VIEW:

The Indian Government took bold steps to recognize transgender as a separate gender for the first time in the country and named it as Third Gender. Finally it is recognized the rights of transgender people and treating them as equal to other Indians. While this has helped in terms of their identity, Indian authorities now need to implement court directives aimed at mainstreaming the transgender community, ending discrimination against them, and addressing their social protection needs which have long been denied basic rights, including the right to vote, own property, marry, and claim a formal identity through a passport or other government identification. They have also been unable to secure government services such as food subsidies, education, employment, and health. Often, it leaves them with no option but to depend on others for their livelihood or engage in sex work, exposing them to further violence at the hands of law enforcement authorities. The number of transgenders identified by the census is almost 55,000 are in the age group of 0-6 population (Census, 2011). This has come as a big surprise to the community as they did not expect so many parents to identify their children as belonging to the third gender. During the voter registration process only 28,341 people registered as belonging to the third gender, said Kalki Subramaniam, transgender rights activist and founder of the Sahodari Foundation. Anjali Gopalan of Naz Foundation said that even the current figure of 4.9 lakh was on the lower side as it was unlikely that the number of people declaring themselves as transgender would ever give an accurate figure. (Times of India May 30, 2014) In India over 66% of the population identified as third gender lived in rural areas, very close to the

69% of the overall population that lives in villages. The census data also revealed the low literacy level in the community, just 46%, compared to 74% literacy in the general population.

The highest proportion of the third gender population, about 28%, was identified in Uttar Pradesh followed by 9% in Andhra Pradesh, 8% each in Maharashtra and Bihar, over 6% in both Madhya Pradesh and West Bengal and well over 4% in Tamil Nadu, Karnataka and Odisha. Rajasthan accounted for over 3% of the total transgender population and Punjab for 2%. The proportion of those working in the transgender community is also low (38%) compared to 46% in the general population. Only 65% of the total working population are main workers — those who find work for more than six months in the year — compared to 75% in the general population. **Demographic status of Transgender in Tamilnadu** There is a population of approximately 30,000 transgenders in the State of Tamil Nadu. They meet in *Koovagam*, a village in the Ulundurpet taluk in *Villupuram* district, Tamil Nadu in the Tamil month of Chitrai (April /May) for an annual festival which takes place for fifteen days. In Tamil Nadu, TG's are known as Aravanis. Most of them do not finish high school because they are constantly teased by their peers. They dress in saris, give themselves feminine names, and refer to each other in female kinship terms. After becoming Aravanis, most of them either leave their natal homes or thrown out and join the Aravani community. They offer material as well as emotional support to each other. Aravanis are more of crossdressers. Many go through a sex change operation or take hormones to become a "perfect" female. Some of them are forcibly used as sex workers to serve non-Aravani men. At times they maintain a monogamous relationship with a man they call a husband. The government also announced to create a special database of transgender that would help deal with their problems and demands. The database would be created by a non-governmental organization and would map the population of transgender in the state and find out their detailed demands such as ration cards, voter identity cards and health facilities etc.

Social status of TG's in TamilNadu The Tamil Nadu state in India was the first state to introduce a transgender (hijra/aravani) welfare policy. According to the transgender welfare policy transgender people can access free Sex Reassignment Surgery (SRS) in the Government Hospital (only for MTF); free housing program; various citizenship documents; admission in government colleges with full scholarship for higher studies; alternative sources of livelihood through formation of self-help groups (for savings) and initiating income-generation programmes (IGP). Tamil Nadu was also the first state to form a Transgender Welfare Board with representatives from the transgender community. In a pioneering effort to solve the problems faced by transgender people, the government of TamilNadu established a transgender welfare board in April 2008. Social welfare minister will serve as the president of the board. This effort is touted to be the first in India and even in the world. The government has also started issuing separate ration cards for transgender people. In additional effort to improve the education of transgender people the Tamil Nadu government also issued an order on May 2008 to create a third gender for admissions to government colleges. The Issues, faced by Transgenders are

- Discrimination,
- Lack of educational facilities
- Unemployment,
- Lack of shelter,
- Lack of medical facilities like HIV care and hygiene,
- Depression,
- Hormone pill abuse,
- Tobacco and alcohol abuse and
- Problems relating to marriage,
- Property,
- Electoral rights,
- Adoption

Ministry of Law and Ministry of Social Justice and State Governments need to recognize the deprivation suffered by transgender people and work on much needed reform. Recent developments in the improvements of socio-economic status of TG's. Although the TG's have been ostracized for many years, conditions are slowly starting to improve. As technology and media communication have vastly improved in India, more people are beginning to not only notice the presence of the TG's, but also appreciate it.

The TG's have formed unions to organize protests for their human rights and will continue to fight for legislation until they are satisfied. India has taken many steps toward recognizing transgender rights.

In recent years, TG's have become increasingly visible in the political arena. After gaining the right to vote in 1994, a few have held political office in various states in India, and often have the support of religiously affiliated majority parties as "safe" candidates. In 2000, Kamla Jaan, a TG in the state of Madhya Pradesh, was elected mayor of Katni after running as an independent. In a huge leap for transgender people in India, Manobi Bandopadhyay became the first person from the community to head an educational institution. as Principal of Krishnanagar Women's College in Nadia district of West Bengal on June 9 2015. Indian society perceives TG's as un-entrenched political candidates-secular, casteless, and asexual-simultaneously able to understand the plight of the downtrodden and able to gather the support of outsiders. Furthermore, mainstream society has recast these candidates as "embodiments of respect and morality," above traditional corruption that permeates Indian politics. As a result of their improved prominence, India has taken some effective measures in acknowledging the legal status of hijras. For example, "there are three distinct gender classification choices available on the Indian Passport-male, female and 'others'" (Patel_2010:836). In Tamil Nadu there is lot of improvements relating to their socio-economic conditions. A transsexual hosts a local talk show called "Ippadikku Rosel" which became more popular and eye opener for the changes to be made for their welfare. The state also hosts an annual transgender festival to facilitate acceptance of TG's into mainstream society. In addition, TG's are making

appearances in the fashion industry. There was a two-day Aadhar enrolment camp exclusively for transgenders living in Madurai district inaugurated by Collector L. Subramanian 05 July 2015 to issue Aadhar cards to 1480 transgenders.

5. CONCLUSION:

Despite receiving some recognition and social acceptance, TG's remain an ostracized and differentiated social class. TG struggle to reconcile their physical visibility with the invisibility of their community as a whole. In the end, however, community invisibility makes TG's susceptible to gender violence and other human rights abuses. By creating and recognizing transgender rights, India has the capacity to battle its current HIV/AIDS epidemic in a meaningful way, give real effect to the human rights of sexual minorities, and serve as a model for other nations to recognize gender-based rights. In order to accomplish these goals, however, India must repeal current discriminatory laws and enact equal opportunity legislation on the basis of gender and sexuality. In order for there to be meaningful change, formal legislation must be passed, and with the help of the human rights activists and unions, the legislation could very well happen.

6. SUGGESTIONS:

All hijras are human beings and logically all human rights apply to all hijras. As all human beings have the right to live with dignity at all times, regardless of their legal, social or political status so do hijras. The content analysis of the problems narrated by the hijras revealed that the majority of them (87.5%) suffered harassment at the hands of the police (both railway and traffic) particularly for begging and soliciting clients for sex work. There have also been cases when hijra respondents have been raped and even gang raped

by the police especially in the first class compartments of the local trains in Chennai. Few hijras complained that they suffered inhuman and disrespectful treatment especially in the Government hospitals at the hands of the doctors and nurses.

The emerging global system is redefining the roles of state, business, and civil society in the protection and promotion of human rights especially of the marginalized groups. Citizens and civil society are the main and most responsible actors in such processes. No single actor can be expected to provide for the fulfillment of all human rights. But by working together progress is possible [28]. An on-going interface between the hijras and civil society through further research, mutual dialogue and coordinated efforts involving all sectors at the national and international levels could be the key to mainstream hijras into civil society. Invisibility of statutory laws makes TG's susceptible to gender violence and other human rights abuses. By creating and recognizing transgender rights, India has the capacity to battle its current HIV/AIDS epidemic in a meaningful way, give real effect to the human rights of sexual minorities, and serve as a model for other nations to recognize gender-based rights. In order to accomplish these goals, however, India must repeal current discriminatory laws and enact equal opportunity legislation on the basis of gender and sexuality. It is further expected that not only the government but also the social activists and general public must come forward to honour and support the third genders for their decent and peaceful living.

REFERENCES:

1. [http:// www. Sover.net/~Sharing/gender.html](http://www.Sover.net/~Sharing/gender.html).
2. <http://www.the-sisterhood.net/trans-eastern/index.html>
3. <http://geo.yahoo.com/serv?s=76001081&t=1108563032>
4. [http:// allies.tamu.edu/Did%20xou%20know/transgender.htm](http://allies.tamu.edu/Did%20xou%20know/transgender.htm)
5. [http:// www.thingsasian.com/ destination/ about_us.jsp # invest](http://www.thingsasian.com/destination/about_us.jsp#invest).
6. Volume 4 Issue 7, July 2015 www.ijsr.net
7. Chettiar, "The status of hijras in civil society: a study of the hijras in greater Mumbai," Ph.D. Dissertation, College of Social Work Nirmala Niketan, Mumbai, 2009.
8. M. S. Kimmel, *The Gendered Society*, New York: Oxford, 2004, pp.106-107.
9. S. Mohan, "More than a woman no less than a man," (In an Interview with Laxmi Narayan Tripathi in Mumbai), *Aids Buzz*, New Delhi:
10. Resource Centre for Sexual Health and HIV/AIDS, June 2007, p. 2.
11. I. Sen, *Human Rights of Minority and Women's*, (Transgender Human Rights), Delhi: Isha Books, 2005, vol. 2, pp. 4-41.
12. Diane Wilson. (2001). Gender, Opinions, Support, Resources. Who Are These Transgendered People. [Online]. Available: <http://www.firelily.com/gender/resources/who.html>
13. <http://www.firelily.com/gender/resources/who.html>
14. Yogyakarta Principles. (2008). [Online]. Available: <http://www.yogyakartaprinciples.org>
15. People's Union for Civil Liberties, Karnataka (PUCL-K), *Human Rights Violations against the Transgender Community: a Study of Kothi and Hijra Sex Workers in Bangalore*, Bangalore: PUCL-K, 2003.
16. S. Nanda, *Neither Man nor Woman: The Hijras of India*, California: Wadsworth Publishing Company, 1990.
17. Z. Jaffrey, *The Invisibles: A Tale of the Eunuchs of India*, London: Phoenix. 1996.
18. Hijra (South Asia). (n.d). (July 13, 2014). In Wikidoc. [Online]. Available: [http://www.wikidoc.org/index.php/Hijra_\(South_Asia\)](http://www.wikidoc.org/index.php/Hijra_(South_Asia)) United Nations Development Programme (UNDP) India. (2010).
19. Hijras/Transgender Women in India: HIV, Human Rights and Social Exclusion. [Online]. Available: http://www.undp.org/content/dam/india/docs/hijras_transgender_in_india_hiv_human_rights_and_social_exclusion.pdf