



TRANSGENDER RIGHTS AND WELFARE IN INDIA: TAMIL NADU AS A MODEL FOR SOCIAL INCLUSION AND EMPOWERMENT"

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Abstract

Transgender people are the marginalized minorities in India in terms of its status, development and related conditions. Although number of initiatives taken by governmental and nongovernmental organizations for the welfare of this community, there are a lot of miles to be passed to cross many hurdles for the holistic development. Tamilnadu has become a pioneer in establishing a separate welfare board for this community and serving as a good model for another state. The problems of transgender are numerous and varied accordingly in urban and rural areas. Rural areas are very difficult for this community to lead a free life on the basis of their own style. Hence they choose urban areas as their place to lead an undisturbed life which also poses a safe haven for them. But urban areas are unproductive in nature since it engulfs with a plethora of problems which are terrible in nature. Although the population is quite high in urban areas the governmental initiatives are insufficient in scope and degree. There are 70,000 and above population in India of transgender who predominantly reside in urban areas who strive a lot for their day to day life.

Introduction

Education is the panacea for all sorts of worldly issues. Religious discrimination, Caste atrocities, racial segregation, lingual chauvinism are all the issue which throngs the world society by further inducing the cleavage among the people. All issues can be combated, if educated citizenry plays pivotal role. Transgender as an alienated and as well as marginalized community could not avail and utilize such kind of educational opportunities since they were harassed, humiliated and isolated in the institutions. The mainstream society could not tolerate and perceive these people on par with normal citizens.

In this junction this paper intends to sensitize and make aware of educational opportunities that are quite abundant in the society but not for the transgender. In Nepali lexicon, the word "Hizra" is derived from perisian word "Hiz" which denotes "effeminate", "disdain women", a catamite also. "Hich" in persianist language means "nowhere", "third" or "no place". In Hindi, Hijras are known to be "chhakka" which is abusive word. The older name for Hijras was "kinnar". According to United Nations Development Programme (UNDP) "Hijra" is the umbrella term for all sexual minorities.

Hijras are also known as in different names viz., Eunuch, Transvestites, Trans sexual, Homosexuals, Bisexuals, Inter sexes, Hermaphrodites so on. The practices of "Castration" among Hijras has got historical anecdote. During Vedic period, horses were castrated for desexualizing the animals. Social behaviour of Hijras is indifferent and unique which is against the mainstream society. They used to clap, dance, wear female attire; do sex job and what not.

The attitude of transgender people towards fellow beings is rude, adamant, inexcusable and always disrespectful. That is the reason for Hijras to meet with all sorts of harassments and abuse at the hands of other humans including State protective mechanisms. A lot of rights violation happens for transgender people, since their behaviour is unique and arrogant. Especially police officials' ill-treat, stripe or beat them along with sexual harassments. Police staffs restrict them to not indulge in sex jobs, but they used to rape them without providing any returns. Being in the streets without shelter and other



belongings, these people come across a lot of untoward incidents and unprecedented atrocities by the fellow human community.

The “Castration” is a common practice for transgender people. But the mode in which this operation conducted is highly painful and harassing. The hospital staffs and medical practitioners are very much disrespectful towards these people. Often the staffs use male pronouns and the pre-operation / post-operation is a tough phase for Hijras. By common practise, an elderly leader in transgender community used to operate the ‘male part’ from the body without using ‘anaesthesia’. Those who do those operations are called ‘Thaiyamma’ (Guru). People who opt for this kind of manual operation are highly respected among other transgender. Tamilnadu was the first state to organize this operation i.e., SRS (Sexual Reassignment Surgery) free of cost in Government Hospitals. Tamilnadu is also a pioneer in establishing welfare Board for transgender to look after their demands regarding basic amenities. Although all the states and countries introduced and altered laws related to transgender, the status of these people are not improved to the better condition so far. Although Western Countries decriminalized LGBT, the Oriental Countries and other Theocratic Nations put forth high level restrictions on the basic rights and freedom of transgender people. The 21st century had come across gradually the transformative mood and activism related to transgender people. There are a handful of NGO’s and other volunteer groups who took onerous efforts to improve and protect the status and rights respectively. Individual initiatives are appreciated in this regard by various media organizations. In this aspect Tamilnadu stand as a unique state in which the first suit was filed for the livelihood of entire transgender community in the High Court of Chennai.

Also a transgender is someone who is feminine but not women, masculine but not a man, a person beyond the boxes of men and women. The person follows the rules and regulations of the community, has a guru, lives in feminine attire, may or may not be castrated. Thus transgender people possess both the qualities of man and woman which is unique and may be considered as a stronger community. Sen defined Hijras as “people who cross socially constructed gender boundaries”. Aristotle stated that, “A man needs no society, either he be a beast or god”. Thus transgender, as observed by so many researchers needs separate society or place in which they can interact with one another and care for nothing. Transgender people are Invisible population who hide themselves due to societal stigma. Since the mockery by the society is at high level, their visible presence in the society is very much rare. Transgender had many illustrations in ancient epics and literatures like Ramayana, Mahabharata, Kamasutra, and etcetera.

In religious perspective, Ramayana got an anecdote in which the epic hero Rama when exiled for 14 years to the forest, he blessed all his followers, men and women to do their duties. After 14 years in exile, during his return, he saw somebody who was waiting for his blessings. They are transgender people who are not male and female and thus got blessings. In Mahabharata Arjuna played “Brihannala” in order to hide himself for short span of time. Lord Krishna also made himself as woman avatar to marry Arjuna’s son Aravan. Thus transgender are treated as “Demi Gods”, since the components of both male and female resides in same physical structure. Added to that, Lord Krishna took women avatar as “Mohini”. In Tamilnadu people are witnessing in number of places lord Shiva as “Artha nareeshwarar”. Lord Shiva and Parvathi reside in a single body which serves as a powerful god for blessings and devotion. Further another myth in Hinduism is Lord Ayyappa was born to Shiva and Vishnu. These aforementioned anecdotes and myths are all the worthy reference in the Hindu religion which evidenced a good illustration for giving huge respect to transgender.



Mughal's Era

Mughal's dynasty in India is a very passing moment in its history. Much of the British legacy was recurred in the post – independent period only because of the habitual / legal practises that was followed during Mughal's period. The component of religiosity, particularly the domination of Islam Hegemonism, prevailed during this period. During Mughal's era transgender are known to be as "Harem guards" and bestowed upon with dignified status, because of their loyalty to their kings. Sixth Nizam employed Hijras as confidantes or Dom supervisors and even advisors. Since they are castrated, they were unable to intrude into king's Harems', whenever king is away for invasion or annexation of other territories. Further to regulate and protect the right of Hijras, the state of Hyderabad established the post of Inspector to prevent any untoward harassment and as well as for the welfare of transgender. These sort of initiatives had evidenced that kings during this era were highly concerned about the welfare of the third gender community. There was also separate claim on public revenues and huge grant of cash and land that was made available for transgender. Transgender doesn't have permanent work and those who are at the helm of affairs, strived a lot and influenced the king to unleash more welfare for the sexually minority groups. In Andhra Pradesh Eunuch Act was passed in 1329 XVI which emphasised for keeping a record for transgender. On accordance with the act "Badhai", the street entertainment activities were restricted.

British era

In more than many ways, the raj empire pursued same system of tax collection and revenue with the same method followed by Islam rules. Like Red Indians and other tribal, Britishers imposed strict rules and regulations to curtail the basic rights of transgender. In order to curtail certain rights of vociferous tribes, British Empire also included eunuchs in the same act. Transgender faced worst type of human rights violations during the raj Empire. The binary body system and hetro normative sexuality, kindled the empire to opt for curtailment of basic freedom. The Infamous Act i.e., The Criminal Tribes Act (Act 27) of 1871 stated, "Registration Surveillance and control of certain tribe and eunuchs".

Present

Transgender people in India were residing in West, North and Southern parts and considered as a highly scattered or floating population. The livelihood resources and protective mechanisms are strong in North and West parts of India. That may be the reason; most of the Transgender from south India migrate to North and Western parts to protect them from unnecessary hurdles and harassments. The atrocities and abuses are high in South India which they consider as an act of mockery / humiliation. Being expelled from the family, property and other entitlements, Transgender doesn't have constructive and permanent livelihood option except begging, dancing (badhai), and sex working activities. In North and Western parts of India, transgender were treated as respectable one who used to perform at Child birth, Marriages and other festival occasions. People in North India strongly believe that Transgender or Hijras possess the omnipotent power to bless and as well as curse, the reason which can be traced out in Vedic era. Legally Hijras are booked often under 268 IPC (Public nuisance), 294 (obscene acts) and 269, 270 (spreading infection). Most of the police officers treat transgender as running errands and extract money from them. If not, they are booked, raped, striped, abused and even go to the extent of murder. The Civil Society and other NGO's are strong in the 21st century and gradually transgender are developing their skill in various sectors. Kamla Joan was elected as the first eunuch mayor in katni, Madhya Pradesh in 2000 and later on gave up the post since he lied herself as female gender. Such kind of acts and activities are not uncommon in the present condition. The regulating mechanisms are not strong enough to protect the rights of transgender people. The qualifications of the candidate are as such that transgender cannot contest in elections and further



complications were framed out by the opposition parties. Physiologically the binary position of the human body for transgender is enigmatic which creates many more tussle which are unresolved hitherto. Usually the inheritance can be received by either of the gender. And that is the vacuum part by which transgender got affected. Also wills and trusts may not benefit transgender people. The immigration status to another country is also denied to transgender, since the application consists of two gender column.

No institution is ready to appoint transgender in their working stations. There is also great fear prevails among employers that appointing transgender may spoil the work culture. There is no free accessibility to public and private health benefits. Even pets and domestic animals receive those benefits which is also having several forums to fight for their rights. Colleges and Universities are not having separate column in their application form for giving admissions in different courses. Sexual violence by local hoodlums / extortionism, harassment by police staff are noteworthy to mention, since all the incidents are unreported except few. The civil society is also not taking the issue as a serious concern, since the invisible community is also to be blamed for such horrific and scary incidents. Lakshmi Tripathi in an open public forum, shared about how she was about to be raped in the school toilets, that was shared by the victim in the International conference conducted by the researcher in Annamalai University, Tamilnadu. Not only Lakshmi, but also leading media figures like Kalki, Rose, Bharathi Kannamma shared similar incidents that happened in their life. As per the NACO (2011) survey, 41.2% of the transgender are not accepted by their own family members 48.8% of them are drop outs between the age of 6-12 and 18.4% of transgender are illiterates in India.

HIV / AIDS are the cause of the concern which spread among many people due to the unproductive and aggressive attitude of transgender community. In 1990s, G.R.Khainor, Mumbai Commissioner formed a group of Transgender to identify the location of brothels. He has also initiated more CBO's in order to develop positive attitude among Hijras for their livelihood and also to protect them from deadly infections. It received wide attention and support from various philanthropists and NGO's, who generously provided pecuniary for the sake of preventing the spread HIV / AIDS. Media scattered publicity of the government officers who influenced in developing more CBO's for the welfare of the Hijras. A very good number of AIDS control projects were initiated for resolving and identifying various issues related with transgender community.

The CBO's developed better condition in various states particularly in West Bengal and Tamilnadu, made Hijras stronger in economic sphere and they voiced their rightful demands which thronged many State governments. Tamilnadu was the first state to hear the voices of this invisible community and established Transgender Welfare Board by which free housing; SRS in Government hospitals were initiated. Moreover admission in Colleges, Scholarships, and Income Generation Programme were also initiated for the development and welfare of the transgender.

The political will and statesmanship is needed to further develop the status and conditions of transgender in Tamilnadu. Undeniably the efforts are worthier and the Government included transgender in various public organizations including Government offices in the recent past.

Recently two transgender people are appointed as assistants in Collectorate Office which is considered as a milestone in the path of glorious development, and emancipation.



References

1. Chakrapani, V. (2010), Hijras / Transgender Women in India: HIV, Human Rights and Social Inclusion. United Nations Development Programme (UNDP), India.
2. Chakrapani, V. Babu, P. Ebenezer, T. (2004), Hijras in sex work face discrimination in the Indian health-care system. Research for sex work. P.12-14.
3. Clements – Nolle .K, Guzman .R, Harris S.G (2008). Sex trade in a male to female transgender population: psychosocial correlates of inconsistent condom use: Sex health, 5(1), 49-54.
4. Dahl, M., Feldman, J., Goldberg, J. M., et.al (2006), Endocrine therapy for transgender adults in British Columbia: Suggested guidelines. Vancouver, BC: Vancouver Coastal Health Authority.
5. Danielou, A. (1994), The Complete Kama Sutra. The first unabridged modern translation of the classic Indian text by Vatsyayana. Thomson Press (India) Ltd: Mumbai.
6. Davis (2009), Introduction to Practice with Transgender and Gender Variant Youth. New York: Routledge.
7. Emily S. Fisher, Karen Komosa, (2013), “Creating School Environment to Support Lesbian, Gay, Bisexual, Transgender”, Hawkins, New Delhi: Routledge Publication.
8. Estivill, J. (2003), Concepts and strategies for combating social exclusion: an overview. Geneva: International Labour Office.
9. Gilbert, M. (2000), Special issue: What is transgender? The transgendered philosopher. International Journal of Transgenderism, 4(3). Retrieved from www.wpath.org.
10. Girshick, Lori B. (2008), Transgender voice: beyond women and men. Hanover, N.H.: University Press of New England.
11. Gochros, J.S. (1989), when husbands come out of the closet. New York, NY: The Haworth Press.
12. Graham Dexter, Michael Wash (1995). Psychiatric Nursing Skills – A patient centred approach. London: Chapman & Hall.
13. Grant and Jamie M. “Injustice at Every Turn: A Report of the National Transgender Discrimination Survey”. National Centre for Transgender Equality and National Gay and Lesbian Task Force.