



## An enquiry into the Social and Economic exclusion to inclusion of Transgender in Kerala

Neeraja. J

Department of Economics, University of Kerala, Kariavattom campus  
Email: binu.neeraja@gmail.com

**Abstract:** Transgender is an umbrella term used to describe people with a wide range of gender identities which are different from the sex assigned at birth (WHO). Various transgender identities fall under this category including transgender male, transgender female, male to female (MTF) and female to male (FTM). It also includes cross dressers (those who wear clothes of the other), gender queer people (they feel they belonged to either both genders or neither gender) and transsexuals. In India, total population of transgender is around 4.88 Lakh as per census 2011. According to the 2011 census, there are 3902 transgender people in Kerala. More of them are reluctant to reveal their identity. The Transgender survey 2014-15 conducted by the social justice department of Kerala brought out the real problems which are being faced by transgenders in Kerala. The broad objective of this article is to understand the socio-economic exclusion to inclusion of transgenders in Kerala. This article intends to be an eye opener for the government, policy makers and the society towards uplifting the transgender community.

**Keywords:** Transgender Identity, Transgender Survey, Social and Economic Exclusion, Welfare Schemes and Transgender Policy

**Introduction:** Ever since the origin of human life, it has been recorded that the transgenders have existed in every culture, class, race and religion. In India, people with a wide range of transgender related identities, cultures or experiences exists - including Hijras, Aravanis, Kothis, Jogtas/Jogappas and Shiv-Shakthis (UNDP, 2010). Transgender community have played a notable role in Indian culture and were once treated with eminent respect. They were duly mentioned in ancient Hindu scriptures and epics and played a prominent role in the royal courts of the Mughal emperors and some Hindu rulers in medieval India. Although they enjoyed an important position in the society, they lost their importance during the British Colonial rule in the 18<sup>th</sup> century. The Criminal Tribes Act of 1871 categorized the entire transgender community as “criminals” who were addicted to committing serious crimes. After independence, the law was repealed, but the transgender lost their trust in the society. Even today, they are not in a position to live a dignified life once their gender status is revealed. Exposure to violence, victimization, stigma and discrimination are also higher in this population. In addition, they experience barriers to access education, employment, housing and health care. These barriers are largely attributable to economic, social and legal deprivation, marginalization, stigmatization and discrimination.

The honorable Supreme Court vide judgment dated 15<sup>th</sup> Apr, 2014 has recognized transgender as the third gender for the purpose of safe guarding their rights. The judgment has also

directed the center and state governments to grant legal recognition of their identity. This was a historical achievement for mainstreaming the transgenders into the society.

Kerala is the first state to establish a policy for the transgender in India. The Government of Kerala has been implementing various schemes and measures to up-bring the transgender and to make them lead a normal life in the society. Transgender cell, self-employment scheme for transgender, samanwaya etc. are some of the schemes implemented in Kerala.

It is important to note that the transgender community faces injustice at every turn of their life in Kerala even after several initiatives for their welfare. The pertinent questions that have emerged are - What are the grievances they face in the society and what are the welfare schemes existing for them in Kerala. In this context, it imperative to study the “socio-economic exclusion to inclusion of the transgender in Kerala”.

### **Objectives**

1. To understand the social and economic exclusions faced by the transgender community in Kerala.
2. To examine various welfare measures and schemes implemented by the state government for upbringing the transgenders in Kerala.
3. To suggest various measures to protect and promote the transgender community.

**Methodology:** A descriptive research methodology was used for this study. The study was conducted taking data from various secondary sources.

**Challenges faced by the transgenders in Kerala:** The transgenders are an outlier group of the society. They face injustice at home, at educational institutions, at work places, at the market and shops, the hotel front desk, emergency rooms, at public toilets and at the hands of land lords, police officers, health care workers and other service providers. Even though various government measures and scheme exists to up-bring the transgender community, they are socially and economically excluded from the society. A large number of transgenders are still hesitant to reveal their identity. The main cause of which is the society’s attitude towards them.

Transgenders have unique needs which are overlooked and ignored by the society. To understand the issues faced by the transgenders, the Social Justice Department of Kerala has conducted a state-wide survey in 2014-15 seeking information on their social and personal life. The survey questions covered various areas like basic details, awareness about one’s body, civil rights, self-esteem, access to health services and ability to live with dignity and freedom from violence. It also included a general section to better understand their aspirations, need and priorities. More than 1000 transgenders provided feedback of which 99 percent were male to female (MTF) and 63 percent were transgenders married to females. The major findings of the survey are mentioned below:-

#### **1. Denial of access to capabilities, economic opportunities, assets and services**

58 percentage of transgender students drop out before completing 10<sup>th</sup> grade. Reasons for the drop out were severe harassment making their studies impossible, gender related negative experiences at school and lack of poverty/special quota or reservation. Among those who had

to leave school due to harassment, nearly half reported of having negative home environment. 51 percent of the respondents were denied equal treatment in doctor's offices and hospitals. 100 percent of them had at least one experience of being denied job due to their gender identity. 54 percent of the respondents had a monthly income of less than Rupees 5000 and only 11 percent had regular jobs.

### **2. Denial of right to dignity and freedom from violence**

89 percent of transgenders reported of being mistreated at work sites. 52 percent transgenders faced harassment from police. 70.3 percent are not confident to face police. 28 percent have been sexually harassed or raped by partners within one year. 96 percent do not raise complaints against violence because of their gender identity.

### **3. Denial of right to expression**

76 percent are unable to register gender identity the way they choose in application form for an identity cards or other services. 78 percent have not revealed their gender identity at work due to fear of discrimination. 51 percent hide their gender identity from the family. 81 percent who wish to change their identity have no support from anywhere for the changes required in their physical appearance. 91 percent have not changed physical appearance through medicines/surgery. 32 percent of them had tried to attempt suicide. 52 percent felt a need to change their physical appearance. According to the survey 41 percent of the transgender population is of the view that they won't be accepted if their gender identity is revealed.

These findings reveal the real social and economic discrimination and stigma the transgender face in the Kerala. These discriminations they face in the society results into in their exclusion from social and economic spectrum.

### **Welfare schemes and policies for transgenders in Kerala**

- **Transgender policy:** Kerala is the first state to implement the transgender policy in the year 2015. This policy emphasizes the rights of transgenders to self-identify as man, woman or transgenders as stated in the Supreme Court judgment. The policy also recommends the establishment of District level Transgender Boards that can register transgenders and issue identification cards. The policy was implemented in order to ensure that the transgender rights are protected and to mainstream them into society.

- The various schemes existing for transgenders in Kerala are as follows:

1. Pension for destitute transgender above the age of 60 years.
2. Scholarship for transgender students.
3. Short stay homes for transgenders.
4. Formulation and implementation of medical insurance scheme.
5. Transgender helpline (24x7) and crisis management centre with the help of NGOs (working in the field of transgenders)/CBOs.
6. To give financial assistance for vocational training and self-employment.
7. Establishing Transgender Cell in SJD Directorate for design, coordination and implementation of various activities for the transgender welfare.

8. Provide financial assistance for proper education as incidence of school drop-out is high, sex re-assignment surgery (SRS) in government hospitals based on medical advice, opening HIV zero surveillance centre for transgender.
9. Sensitise the public especially parents and family members, teaching and non-teaching staff and student community of educational institutions, officers of health services, LSGD, Employment Department and Labour Department.
10. 'Samanwaya' continuing education programme for transgenders.
11. Marriage assistance for legally married transgender couples.
12. Financial aid for providing hostel facility to transgender students.
13. Self -employment scheme for transgenders (sewing machine).
14. Scheme for imparting driving classes to transgenders.
15. Identity card for transgender persons.
16. Housing scheme for transgenders.

### **Suggestions**

1. All government departments and public authorities are to ensure that they extend a non-discriminatory treatment to transgenders.
2. Public awareness campaigns and programmes are to be conducted to sensitize people about the injustice faced by the transgenders and to accept the community as a part of them.
3. It is to be ensured that all measures are taken to prevent transgender from being punished or harassed for cross- dressing and their gender-specific behavior
4. Free legal aid to transgender seeking redressal against discrimination and violence is to be provided.
5. Transgenders should be given access to education, public transport, health, social security, and other services.
6. Government agencies, including LSGs managing public places are to ensure equal access to transgender community.
7. Transgender must be included as a third gender in all application forms for services, employment, and other benefits.
8. The rights of transgenders regarding marriage, partnership, living relationship and parenting within existing laws are to be fully ensured.
9. Severe actions are to be taken against parents who desert or abuse their gender non-conforming children and against doctors who undertake any kinds of unethical conversion therapy.
10. Employment discrimination has severe adverse effects on transgender people. This will lead them to be unemployed and economically backward. This must be confronted and eradicated.
11. Financial support and assistance are to be rendered to the transgenders based on their income level.

**Conclusion:** While the transgender community has equal rights with others, they are forced to live as second class citizens in their own country. Transgender community needs more attention and care. Necessary steps are required to be taken to sensitize the society and to create public awareness among individuals for considering the transgenders as a part of the society. This can eventually make them feel that they are also the part of the society. It is also pertinent to mention that if support and motivation is rendered to the transgenders they can be achievers and can create history. Some of the transgender achievers are Manali Bandopavhyay who is the first transgender college principal, Shabnam Mausi - the first transgender MLA, Madhu Kinnar - the first transgender Mayor, Padmini Prakash - the first transgender TV anchor, Shabi - the first transgender soldier, Jayita Mondal - the first transgender judge and Prithika Yashini - the first transgender police officer.

Even though Kerala is the first state in India to introduce a policy for transgenders, there should be a whole hearted acceptance from the society for the policies and welfare scheme to be fully successful. Social stigma and discrimination is the main hurdle before the transgenders to take benefits from the welfare schemes. The society of Kerala should accept the fact that the transgenders are the part of society and are normal citizens of India who are liable to enjoy all fundamental rights. This will help to overcome the discrimination faced by the transgender community and will help them to lead a happy, peaceful, successful life and achieve their dreams.

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