

Social Exclusion: A Challenge for the Status of Third Gender People of Odisha



Social Science

KEYWORDS : Exclusion , Integration , Discrete ,Transgender

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ABSTRACT

Social exclusion refers to processes in which individuals and entire communities of people are systematically blocked from rights, opportunities and resources (e.g. housing, employment, health care that are normally available to members of society and which are key to society integration. In almost all human societies certain groups are excluded and deprived of some opportunities. While the ways in which each of these groups is excluded its context specifies certain social differences continue to serve as grounds for exclusion. These differences include belonging to a particular ethnic, gender, caste, religion, or age group; living in a particular geographical area; having certain physical disabilities while we present excluded groups in discrete categories, it is difficult to generalize which groups are most likely to be excluded. The Transgender people in India are the most exploited and displaced lot.

SOCIAL EXCLUSION

The term 'social exclusion' was originally used in France in the 1970s to refer to various categories of people, labeled 'social problems', who were unprotected by social insurance. Since the late-1980s, the European Commission has embraced the concept. In Britain, the Labor government of Tony Blair set up a cross-departmental Social Exclusion Unit to address issues of poverty, relative deprivation and social exclusion across many regions of the United Kingdom. The notion of social exclusion exists to some extent in the US under the label 'underclass'. Several multilateral development agencies, including the World Bank and the International Labour Organization, use the concept.

Social exclusion refers to processes in which individuals and entire communities of people are systematically blocked from rights, opportunities and resources (e.g. housing, employment, health care that are normally available to members of society and which are key to society integration and who are under privileged like Dalit, Tribal people, Women and third gender individuals.

THIRD GENDER

Third Gender is defined as a group of individuals which were born as males but incline to behave and dress like female. This third gender group is sometimes labeled as the 'she-males' as male's people. The third gender people are defined as males who possess female characteristics and feelings. They normally have the higher tendency to behave, act, talk, and dress almost like women. They are also more prone towards having love affairs or relationships with their similar sex that is men that of women as they do not have interest in the opposite gender.

PRESENT STATUS OF THIRD GENDER

In India, these people are generally known by the term 'Hijra', though some other names are also prevalent in south India and some other parts of the country. They live in groups comprising of guru and chelas. New members are inducted from among the young boys who have run away from homes, are victims of some kind of exploitation or those who want to expressing their feminine sensibilities.

These groups remain in seclusion from the society and have their own customs and practices. The present day hijras are a marginalized group. United Nations Development Programme in one its briefs have pointed out their exclusion from social, economic and political participation and have expressed concern about their sexual and mental health. Devoid of opportunities, they earn their living by performing at ceremonies, begging or

sex work. A number of them can be seen on the roads asking for money from the people and threatening them with obscene gestures if not obliged.

PRESENT PROBLEMS OF THIRD GENDER

Third gender is the most marginalized section of the Indian society value. They are currently facing a number of problems some of which are as under:-

- Third gender in India faces a crisis of recognition of their gender identity. This further translates into a number of legal issues such as change of sex, same sex marriages, child adoption, inheritance etc.
- In the Indian society, third gender is at lowest rung even among the marginalized groups. This category is subjected to extreme discrimination in every field of life whether it is health, education, employment or social acceptability.
- These people do not have any employment opportunities and have to live on begging and prostitution which further hardens the attitude of the society.
- Due to discrimination, the third gender people are not able to receive any formal education. Even if some of them may want to be educated, the schools are reluctant to take them.
- In prostitution, they face similar atrocities like other victims or even greater as even in that profession, they are placed at lower level than other sex workers.
- These people are also discriminated by the bureaucracy. They were granted voting rights only in 1994. Many of the official forms still recognize and exhibit only two genders. This has prevented them from a number of schemes available to other citizens.

SOCIAL EXCLUSION OF THIRD GENDER PEOPLE

Social Exclusion Framework is increasingly used in highlighting the issues and problems faced by disadvantaged and disenfranchised groups. It provides a multi-dimensional 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 third gender people, one can understand how Third Gender 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 Third Gender communities.

EXCLUSION FROM SOCIAL AND CULTURAL PARTICIPATION

Exclusion from family and society

Human rights violations against sexual minorities including the transgender communities in India have been widely documented. The 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 Hijra 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.

Lack of protection and violence

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.

Restricted access to education; health services and public spaces

Discrimination in healthcare settings Hijras faces 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 co 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.

EXCLUSION FROM ECONOMIC, EMPLOYMENT AND LIVELIHOOD OPPORTUNITIES

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 organise 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. 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 'Aravanigal/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 rely on the government hospitals in spite of the reality of the pervasive discrimination.

EXCLUSION FROM POLITICS AND CITIZEN 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-bailable 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 was 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. And "any eunuch so registered who appears 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. 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.

OBJECTIVES OF THIS STUDY

The objectives of the present study are to contribute to an understanding of the social exclusion of Transgender individuals. Specific objective of the study are -

- To identify the socio, economic, legal and p status of the third gender people.
- To analyse the causes of social exclusion of third gender people.
- To assess their enjoyment of rights and access to resources.
- To take note of the challenges faced by them and their concerns.
- To estimate the policy efforts, awareness of women about them and their impact on the quality of life of the third gender people.
- Finally to solicit from them their opinion, suggestions, and to develop better integrative strategies to make their mainstreaming, protection and promotion meaningful and effective.

MATERIAL AND METHODS OF THE STUDY

The study relied on primary data collected from the field and secondary data collected from the local official both govt and public and from the journals, magazines, books, internet and government reports and etc. The study covered 100 third gender people of Odisha. The respondents have been selected from Bhubaneswar city of Odisha through simple random sampling procedure.

Study Outcomes:

The study detected that among the total number of surveyed third gender people 62% of them belong to more than 30 year age. Nearly 36% belongs to SC, 24% belongs to ST categories and 32% belongs to OBC categories. About 98% of third gender people belong to Hindu religion. The distribution of third gender people on the basis of their educational qualification indicates that 64% have completed primary level of education. Being excluded from each and every sphere of development around 72% of respondents have adopted begging as their main occupation whereas 28% of third gender people are performing dance and songs at ceremonies to earn their livelihood. About 64% of third gender people are facing mistreatment from their family mem-

bers. So they are not living with their family members. In the study are as per the 2011 census around 50% of third gender people have received their voter identity card. While applying for loan from any financial institution about 50% of respondents have not received any cooperation from the bank authorities. In order to strengthen their economic capabilities 63% of respondents have tried to access their parental property. Regarding the type of problems faced by the third gender people it has been observed that around 22% of respondents are facing misbehaviour from other peoples whereas 38% and 32% of respondents are facing violence and affected by attitudinal behaviour respectively.

From this study, it has been derived that third gender people were leading a miserable life. Lack of support of the Government department and especially people make their life more miserable. Third gender people are the most marginalized section of the Indian society. They are facing extreme discrimination in every field of life like health, education, employment and social acceptability. They are deprived of getting any employment opportunities and have to live on begging and prostitution which further hardens the attitude of the society. Due to discriminatory attitude, they are deprived of getting educational facilities at school. They also do not have any identity proof for their social recognition. Recently in order to bring the third gender people to the main stream of development and to provide them social recognition the Supreme Court has laid down certain special provision for them. The provisions though fail to cater to the need of eunuchs or the third gender but none can deny that they fall in the category of socially and educationally backward class. The need is for Constitutional amendment to include the Hijras so that special provisions can be made including them under the umbrella of state sponsorship, protection and promotion. The fight against injustice and social exclusion is long drawn and has to be dented at the highest level of legal framework. The matter is just not of rights and equality; it's much more of equity and justice.

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