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Mainstreaming Trans: Theory and Praxis in the State of Rajasthan

Preeti

Abstract

Despite the decree passed by Hon'ble Supreme Court in NALSA judgement declaring transgender as the 'third' gender, this lot of population still is doomed to live ghettoed life. Facing social stigma on daily basis has ostracised their identity to the levels that they are devoid of basic rights like getting education, employment, health aids etc as a normal citizen. India has a recorded transgender population of 4.9 lakhs according to the census 2011 and according to it Rajasthan contributes to more than sixteen thousand transgender, which remains a disputable fact as allegedly they amount to more than a lakh in the state itself. NALSA verdict upheld that there shall be a transgender welfare board in every state which would be responsible for the welfare of the target population facilitating new policies for their emancipation. This study proposes to investigate the steps taken by the state government in establishing transgender board in Rajasthan and exploring the functioning of this unit. The study also aims to study the steps taken by individual, private industries to mainstream this forlorn gender. The paper shall unveil the lives of transgender living in Rajasthan especially in the capital city Jaipur also reflecting the living conditions of Hijra gharanas here.

Keywords: Transgender, Stigma, Transgender Welfare Board, Hijra, Kin-nar

Introduction

Before moving ahead the need is to understand what is 'Trans', who are they and why do they need mainstreaming. Transgender, as its cliched definitions claim, is an umbrella term for the gender non-conforming people means persons who do not identify to the gender binary model of the society which is so engrained in our conditioning that almost no event

starts without the expressions like 'Ladies and Gentlemen'. There are few who do not confirm to either of the gender, those who identify themselves with neither men nor women or there are those who are born as men but identify as women or vice-versa. Even there are those who keep on identifying with both of them periodically, there are some who are born with deformed genitals and can identify with either of the genders. Intersex, hermaphrodites, Eunuchs, Hijra, kinnar, Kothi, Aravani, Jogappa, Thirunangai, Shivshaktis, Khwaja Sara, Khusra, Mangalmukhi, etc are some terms for these gender incongruent or gender diverse people. These gender variations, all of them, come under the 'umbrella' of Transgender, which Hon'ble Supreme Court of India acknowledged as the 'Third Gender' in its landmark judgement in the NALSA case.

This population which amounts to nearly five lacs of Indian population as per the 2011 census remains unacknowledged not only by the society but by the state too at various levels. The state of Rajasthan holds the tenth position in the country for transgender population of 16,517 which remains challenged as the transgender activists claim the figures to be more than a lakh in the state itself. This stands true, without validating any numbers or figures, because of the fact that Transgender (TGs) were hesitant of revealing their identity as 'others', as asked in the census 2011, since till then there was no provision of the third gender acknowledged either by the state or in judiciary to ensure them security after revealing their identity. Transgender population had closely faced social stigma as they still bear shadows of the Criminal Tribes Act of 1871 which declared selected tribes including transgender as born-criminals. The concept of 'third gender' itself has come after NALSA judgement in the year 2014, so what authenticity can one expect from the figures of census 2011 in regard to TGs? Why would one dare to declare oneself in a category which is not socio-politically accepted and reserves no rights to them? Thus, most of TGs as interviewed recorded their responses in gender category for 'Males', their biological gender. As also mentioned on the website of Census 2011 this limitation has been stated

'The data of the Transgender has been cubbed (*sic*) inside "Males" in the primary data released by Census Department. For educational purpose, separate data of Transgender has been curved out from that.'

One of the enumerators' response in the process of collecting data from TGs reflects how intimidated they have been through whole process that they were to be 'reassured over and over about the secrecy' of their iden-

tity as can be felt in Lali Singh's pleading to enumerators "Please, I don't want to be known as a eunuch". The enumerators of census 2011 record their own experience here:

But the transgenders, used to being shunned by society, were very suspicious indeed when D-day came on Sunday. Hated being asked "personal" questions, they wondering if these visits would be followed by police harassment.

Thus the data evolved in census 2011 can easily be challenged. According to it Rajasthan has a total TG population of 16,517, out of which 2012 are the number of TG children between the age of 0-6 years, this again poses a question on who reported them being TGs since till age of six years a child is too naïve to understand gender construction that too going out of the binary. So who are these children? Intersex? Who can be easily identified by the family because of their deformed genitals, or they are the children adopted by TGs? This again remains a question on the authenticity of census 2011. But if yet to believe these figures, what are the policies for their survival strategies? Since it is a well-known fact that a Transgender child has to suffer homelessness at a very early age since their families either try to kill them or shun them out of fear of public shame for giving birth to 'such' a child. Thus a child has no option but to flee the home he/she is born in to the nearby hijra ghettos whether they want it or not.

In the course of research more than eighty transgender were interviewed across the country but this paper shall be restricted to those from Rajasthan. And most of TGs here either reside at Hijra deras, the ethnic gharanas with the hegemonical structure of guru-chela tradition where the chelas have to earn for their respective gurus or they reside at rented portions. By earning they largely mean seeking ceremonial badhais by singing and dancing, seeking alms at signals and trains, undeclared sex work since they have almost no provisions of employability which can mainstream them.

The guru of a dera is mostly an elderly hijra who keeps herself at the dera and all other chela hijras go out to seek badhais at shops in festival times and at ceremonial functions. They have to bring all the money and give it to the Guru of the dera, who further distributes the amount by taking half of it by herself and distributing the other half in chela hijras. Anguished of this culture of dependency on the Guru, there are few who wish to come out, study and work but out of fear of insecurity they are doomed to depend on the deras and Gurus only. However, not always they have this

disenchantment from Deras, there are few who feel safe there because of the motherly protection they are provided by the gurus and the care they get from fellow hijras like a family.

Getting these ethnic Hijras in the mainstream is a gargantuan task. India is a country of ceremonies and festivals thus this community seems to be complacent in what they are doing and is reluctant to get into mainstream jobs. While interviewing when proposed a job in an NGO to Simran, a hijra from North-eastern Rajasthan, she snapped 'No, No, didi, what would I do in a job? You know we hijras have lot of expenses, a job would at maximum give me 50,000 rupees' cuddling her recently spa groomed, straightened hair she chirped. Thus, government has a long way to shake this reluctance and bring them into the mainstream work culture, though it is coming up with new policies in the state but it to be examined how well they have been planned and executed.

Unemployment Allowance:

Just recently on October 11, 2019 Chief Minister Ashok Gehlot has announced a scheme of unemployment allowance of 3500 rupees for transgender which has again various limitations in itself. Firstly, the eligibility conditions of this allowance asks for the person to be 'native of Rajasthan State' which comes as the first set back for this population since most of them are migrated from various states and they are displaced to be distanced from their native homes to be secure from any possibility of cruelty from the family end and also after coming to the Hijra gharanas the Gurus prefer them to send to far off places to save them from being manipulated by the family suppressing their identity further. Also, since they leave their family they have no proof declaring themselves to be a native resident of any place. Displacement is their fate and this should be considered while implementing any policy for them. The second clause to avail this allowance is that the applicant must hold a bachelor degree from a legally recognized University in the state of Rajasthan, leave apart graduation mostly transgender have no one to facilitate their education. Not only economic insufficiency but the stigma they face at these public institutions cause them colossal mental depression resulting into their back out from educational institutions at a very early age. In such circumstances this eligibility condition drains most of TG population out of this criteria. And the rest of population is circumcised with the third clause of age restriction. Another condition of availing this unemployment allowance is that maximum age limit shall be 30 years and the upper age for schedule caste, tribes, women and specially skilled (disabled) aspirants will be 35 years

and there is no special provision for transgender yet. Most of the transgender persons do not even remember their actual date of births, neither they have any document proof for the same which again limits them for this allowance. Thus, mere declaring schemes does not ensure their actual application on the target population, their specialized needs should always be catered.

Skill Development Training:

In November 2017, on the initiative of Rajasthan Transgender Welfare Board, Rajasthan Skill and Livelihoods Development Corporation (RSLDC) proposed to give skill development training for improvement of livelihood conditions of transgender. The program could not materialize due to lack of funds and absence of transgender ID cards. Trans activists continuously seek for funds and infrastructure from the government which they are yet to receive. However, it was quite a relief to see Transgender as a category was mentioned in the gender column of RSLDC application form, those who are aware about RSLDC can be benefitted by registering themselves on the online portal and awareness is the only issue. They shall organize induction programs for transgender to apprise them about the schemes and application process in RSLDC to avail the benefits, induction can later be followed by training and recruitment drives. Not only shall the transgender be inducted but every sector and every organization shall be instructed to follow a trans-friendly atmosphere and guidelines like Vishakha, against harassment at workplace, shall be followed in regard to TGs too.

It is good to see that private organizations are joining hands to empower Transgender and to mainstream them in a more inclusive way, Keshav Suri Foundation is doing work for LGBTQI+ population by creating job vacancies for them. Hotel Lalit in Jaipur keeps on advocating trans related cause. Even, Style and Scissors salon in association with RSLDC has given training to fifteen transgender since 2016, out of which one has even been retained by the salon as a beauty therapist. Educated and sensitized people shall team up to bring this ostracized populace out of ghettos to mainstream workforce and shall deliberate their efforts to sensitize people about their needs.

Admission Policies in Schools and colleges:

To facilitate equal opportunities of education for the trans community the directorate of secondary education in September 2016 had directed

schools across the state to admit students from the third gender under the transgender category (Ahmed, Salik, 2016). It was indeed a progressive move as prior to this there was no provision to admit students under transgender category and also because it clearly indicated that 'if any school shows reluctance or objects to admit transgender students, appropriate action will be taken against it.' But if to go by RTE Instructions of session 2019-20 there is no mention about Transgender student in the document. It says that RTE admission shall consider the two categories of 'weaker section' consisting of candidates whose parents' yearly income is less than one lakh and "deprived class" which has SC, ST, orphans, HIV or Cancer inflicted child or child of inflicted parents or guardian, ward of war-widows, specially abled, OBC and SBC wards with less than one lakh yearly income of parents, children from state recognized list of Below Poverty Line. Both the categories nowhere mention inclusion of transgender in any of it. Again age limit and proof of residence becomes one more hurdle for those who had left their families for survival measures and either live with Kinnar Guru or on their own, since it is mentioned that a student in the first class should be of five years or more but less than seven years. What if an eight year old transgender runs from his/her family at somewhere in Udaipur and comes to a Hijra dera of Jaipur and if granted permission from the respective Guru to get educated, where shall he/she get admitted and how? This becomes the question since the RTE instruction sheet says 'Not in any case shall a candidate be admitted belonging outside from the

However, Pushpa Mai, a transactivist and Mahamandaleshwar of Kinnar Akhada though welcoming the move raised a valid concern of non-availability of identity cards and documents 'without which no school would admit them'. But the question arises again that a student being admitted will surely be a minor and who will at that stage determine the gender of a transgender at the time of admission, it would either be parents or guardians which yet again aggravates the possibility of manipulation at that level.

In lieu of the same State Higher Education department had decided to give direct admissions to transgender students and the dependents of martyrs in the private and government colleges even if they score passing marks. In an attempt to increase gross enrollment ratio (GER) of transgender in higher education the step is taken. Admission provision for transgender was included in the admission policy of 2019-20 which in its point no. 3.5 states 'according to a special decision taken by higher education department to facilitate admission of transgender applicant with due respect in

higher education institutes they should be given admission on minimum passing marks'. This gets challenged while going through the gender column of admission and other student related forms of Central University of Rajasthan and other state Universities like University of Rajasthan, University of Kota, Maharshi Dayanand University Ajmer etc, where they are still adhering to the gender binary model of male and female which is not only a violation of NALSA judgement but a clear contrast to what is proposed and what is practiced in the state.

Then another roadblock comes with point no.2.3 'admission after gap', which denies admission to an applicant who has a gap of two or more academic years after passing the previous qualifying exam, it also exempts women from this restriction but does not exclude Transgender from it. TGs shall too be included in this exemption who due to their psychological and other factors have to leave studies in between and if they resume after a period of two years at least no policy should obstruct their step to do so.

Furthermore, not only admitting them fulfills the purpose, their successful completion of education should be the priority. Transgender can be admitted otherwise too choosing the gender they are born in, but the reason they drop out of schools is stigma and harassment faced by not only by their peers but also by the teachers. According to a Unesco's survey of violence and harassment based on Sexual Orientation and Gender Identity (SOGI) in Tamilnadu, a comparatively trans-friendly state,

60% and 50% of respondents said that they were mostly victims of physical bullying when they were respectively in middle/high school and higher secondary school, while 43% of respondents said that they were sexually harassed when they were in primary school

It also revealed the grave consequences of this kind of bullying and harassment. 73% respondents in the survey accepted their withdrawal of social interactions. 70% of them thus suffered anxiety and depression which led to loss of concentration which caused lower academic performance in 63%.

Keeping these facts in mind the government shall realize that not only provisions of their admission would suffice but providing them an inclusive, non-discriminatory, trans-friendly and safe environment There are no guidelines given to the hubs of education to prevent harassment of

transgender students at schools and colleges. Manuals like Kalki Subramaniam's 'A Teacher's Guide to Gender Non-Conforming Students' shall be translated and distributed to all the educational institutes.

Housing Schemes:

Rajasthan government had promised to reserve 2% houses for transgender in all housing schemes to be launched by Rajasthan Housing Board (RHB), UTI and Development Authorities on August 20, 2018. After informally meeting and talking to officials from JDA and RHB it was realized that they did not have any idea about this kind of scheme. Even senior officials refused of having any order regarding any such scheme and which was proved after visiting the website of RHB where in the application form for applying for residential schemes, in the user registration details for column 'gender' there is no third option else than male and female. Then, in the latest scheme booklet of JDA point number 5 states various categories of reservation where transgender is nowhere mentioned refuting all the propositions of state government to provide a housing reservation to them, which again states the difference in letter and spirits.

Leave aside housing schemes, state does not even have any policy to ensure TGs a non-discriminating right of having a house on rent. Due to lack of documents due to early age migration TGs are bound to live on rent if they decide to stay out of Gurus dera. Transphobia restricts them an easy access to rented accommodation and there is strict need of state intervention to secure dignified rented premises for them. A mechanism to redress complaint of tenants who have been denied rented premises because of their gender identity is need of the day and no rent law envisages this possibility.

Transgender Identity Card:

The first limitation in the issuance process of transgender ID card lies in the affidavit form itself where the person applying for the same needs to declare and prove (with valid documents) the date and place of birth which most of transgender fail to remember and prove because of their displacement at a very early age. Also, the third point needs a declaration saying 'the biological gender at my birth was.... Male/female and that is only mentioned in my birth certificate, identity card, PAN card, Ration card, School certificates, University certificates, Bank account, Life insurance policy and other documents. Photocopy of documents is attached and marked with letter 'A''. the very first line here asks for the biological

gender to be male or female which totally ignore intersex from the category, those who are born with deformed genitals or genitals of both the genders. Then, attaching the document proof again comes in a question for the migrant transgender

The fifth point in the affidavit stands ambiguous as it says 'At present I am a... (woman/man) and I want to identify my gender as a transgender (female/male)...' again adding gender binary here obscures the purpose of adding the category third gender and completely forgets intersex again. Rather it shall be replaced as something like 'Till date I was identified as ... (male/female) in all my documents due to the procedural delay of acknowledgement of third gender in official documents or any other reason (kindly mention if any)... and now I want to identify my gender as a transgender (transwoman/transman/other)... (kindly mention category in case of choosing 'other')

The seventh point again constructs a gender binary model where it says 'It is to submit that now onwards according to my role as female/male... I want my identity card to be in new name of ... instead of my current name...', where the word role can be replaced with 'status' or 'identity' and female/male shall be replaced with transwoman/transman/other for a more inclusive approach to gender variant society.

Rajasthan Transgender Welfare Board:

According to the NALSA verdict every state was to have a Transgender Welfare Board, following its instructions Rajasthan announced its Transgender Welfare Board vide an order AF15()SoSe/M.K/SJE/2016/27569 dated 29 April 2016 which took two years to get cabinet approval vide order no. AF15 ()So.Se/M.K/Trans/SJE/17-18/30511 dated 06 April, 2018. This board has had only two meetings till date and not a single penny has been allotted as budget for this board since 2016. The first meeting was for constitution of the board in 2017 and the next meeting was held just recently on February 06, 2020 which again reconstituted the board and where once again it was decided to issue transgender ID cards.

While visiting the RTWB office the state of functioning of the board can be read well, the dealing R.A.S on our query about Transgender Board gave us a perplexed look as if we have come to a wrong department, upon explaining her whom we want to meet, she smilingly replied 'okay, you have come to the concerned place but I never knew if we had any such board, just give me a moment' after this she called two men and enquired

about Transgender Board and minutes of meeting to which one of them replied 'ma'am, no meeting of the board has happened till date', the other one snapped 'no, no, no, I guess one has happened'. We asked for the minutes of meetings which they promised to provide but they never gave till date. While enquiring it was found out nothing has happened, not even a penny has been allocated for the board. Even the administrative report issued by Social Justice and Empowerment department for year 2018-19 nowhere mentions any policy or any other thing for Transgender, even its Gender Sensitization Budgeting (page no. 79) focuses only on women and completely ignores Transgender in it.

State is bad but it is not possible to bring out a change in their living. Though it is a tough mile to walk as the ethnic community members in Rajasthan are so hopeless and thus reluctant to rely on the government policies. In the course of research when we tried to interact them at their ghettoed Deras, the one from the most prominent one came out and after enquiring the purpose of our visit, disinterestedly muttered 'where were you, where was your government when we were dying out of hunger? Please go sister, may God give you prosperity' and slashed the door on our face. We stood there pondering about their insecurity and hopelessness from the state and realized the first and foremost need is to earn their faith. Gender binary construct of society has failed them totally and no policy can work unless the mindset is worked on. Thus there shall be compulsory gender sensitization workshops and lectures at every educational or vocational institutes and organization. There are gender studies departments in University and colleges which nowhere talk of the third gender, visiting to HRDC courses on gender studies to the utter disappointment not anything is talked about this marginalized gender. I went on to present a paper on the state of transgender in a conference where the chair of Valedictory, a gentlemanly professor and former Head, Department of Sociology from a prestigious State University in Haryana, in his valedictory address mocked 'people are working on Kinnars, they have more money than any of us have, they get money in free then what to talk about their inclusion'. It is sad to hear this from professors, that too social science professors. The need is to make this discourse about the third gender, a part of curricula to normalize the taboo spread in society. Firstly we need to talk about them, then we can expect to talk to them and mainstream them.

References :

- Admission Policy (2019-20). n.d. Document. 28.02.2020. <http://hte.rajasthan.gov.in/dept/dce/uploads/doc/admnpolicy2019-20.pdf>
- Ahmed, Salik. (2016, 2019). *Raj introduces 'transgender' category in school admission*. 18 September 2016. News report. 20 October 2019.
- Census (2011). *Transgender in India*. n.d. <https://www.census2011.co.in/transgender.php>. 30 July 2019.
- Directorate of Elementary Education*, (2020). n.d. Policy Document. 26.02.2020. https://rte.raj.nic.in/Home/RTEDishaNirdesh2019_20.aspx
- India, Government of. "A census first for third gender." (2019). n.d. *censusindia.gov.in*. Document. 10 December 2019.
- JDA. (2020). n.d. Document. 28 02 2020. <http://service.jaipurjda.org/Confluence/Documents/11/BookLet.pdf>.
- Joseph, Joychen. (2019). *Rajasthan: Transgenders to get Rs 3,500 unemployment allowan ..* . 11 October 2019.
- <https://timesofindia.indiatimes.com/city/jaipur/transgenders-to-get-rs-3-5k-unemployment-allowance-per-month/article-show/71531281.cms>
- Khan, Shoeb. (2019). *Direct entry for transgender students, kin of martyrs in Raj ..* 01 June 2019. News Report. 01.11.2019.
- <https://timesofindia.indiatimes.com/city/jaipur/direct-entry-for-trans-students-kin-of-martyrs-in-raj-colleges/articleshow/69605054.cms>
- Sikri, A.(2014). *National Legal Ser.Auth vs Union Of India & Ors on 15 April, 2014*. Judgement. 10.04.2019.
- <https://indiankanoon.org/doc/193543132/>
- SJE. (2020). n.d. Document. 27 02 2020. <http://www.sje.rajasthan.gov.in/site-admin/Uploads/201909241533278610.pdf>.
- Trangender Welfare Board*. (2020). n.d. Document. 27.02.2020. <http://www.sje.rajasthan.gov.in/siteadmin/Uploa>

ds/20190904102216236151779-2-16.pdf

Srinivasan, P. (2018). "Transgender people in Rajasthan to get skill training soon." 13 March 2018.

<https://www.hindustantimes.com/jaipur/transgender-people-in-rajasthan-to-get-skill-training-soon/story-NkxVDWJXCbGWniecgpOoON.html>.

TNN. (2019). *Rajasthan to reserve 2% houses under govt schemes for transg ..* 20 08 2018. News Report. 11.10.2019.

<https://timesofindia.indiatimes.com/city/jaipur/raj-to-reserve-2-houses-under-govt-schemes-for-transgenders/articleshow/65465710.cms>

UNESCO. (2018, 2020). Document. 13.03.2018; 27.02.2020.

<https://en.unesco.org/news/new-study-bullying-based-sexual-orientation-and-gender-identity-schools-tamil-nadu-india>