



Transgenders In Odisha: Issues Of Governance, Identity And Inclusion.

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Abstract

Transgenders has been a part of the Indian subcontinent since the time immemorial. The transgender community is one of the most marginalised and vulnerable section in the society and for decades, the community has struggled for acceptance, equality and social identity. As per 2011 census, the total population of transgenders in India is around 4.88 lakh, and in Odisha the population is approximately 20,300 but the majority of them are invisible in mainstream society. Odisha is the first region in India to give social welfare benefits to transgender people such as pension, housing and food grains. These benefits are aimed at improving their overall socio-economic status with an objective to empower the community and strengthen their livelihood. In 2017, the Government of Odisha formulated an umbrella scheme 'Sweekruti' to secure the rights of transgender community and ensure equitable justice. The scheme aims to provide legal aid, counselling and guidance services for transgender persons. In 2014, their hard fought battle led to a milestone victory when India's apex Court finally recognized transgender persons as a "third gender". But unfortunately, the transgender community were remain an ignored and neglected segment of our society and faced pervasive discrimination, despite various protective provisions underlying in the government policy. Transgender individuals often face discrimination, marginalization, and exclusion in almost all aspects of socio-economic life, including employment, housing, education, and healthcare. This exclusion has a significant impact on their quality of life and on their inclusion process. Their constant social ignorance or disregard at the hands of general people create constant hindrance in their social inclusion process. With this backdrop, the present paper explores the innovative measures taken up by the state government through social entrepreneurship schemes for empowering and creating a new identity for the transgender community. Further objective is to examine and assess the implementation and impact of various government policies and bring out a constructive plan and solution to their problems.

KeyWords: Transgender Community, Inclusive ecosystem, Social identity.

Transgender in Odisha: Issues of Governance, Identity and Inclusion

There are seventeen Sustainable Development Goals all based on a single, guiding principle: to leave no one behind. We will only realize this vision if we reach all people regardless of their sexual orientation or gender identity.

General Ban Ki-Moon (Former UN Secretary General 2015)

Introduction:

Recorded human history is witness to the presence of third gender people in every race, class and society. Transgender is an umbrella term for persons whose gender identity and gender expression does not conform to the sex to which they were assigned at birth. Falling outside the social construct of gender binary creates a difficult space for their survival. However, they do not fit into the general binary division of 'male' or 'female'. Consequently, they face different problems like, social exclusion, discrimination, humiliation, absence of basic needs including health and education, unemployment, and so on. For decades, the transgender community has struggled for acceptance and equality. In 2014, in the National Legal Services Authority (NALSA) vrs. Union of India and Others case, the honourable Supreme Court ruled that transgender people should be recognized as a third gender and not only enjoy all fundamental rights enshrined in the constitution but also receive special benefits in education and jobs. In the recent past, many Indian states including Odisha have launched several initiatives to provide appropriate facilities to this marginal community. In 2016, Odisha became the first state to provide members of the transgender community Below Poverty Line (BPL) cards to access social welfare benefits under various government welfare programmes. This includes schemes that provide free housing, 100 days of paid work annually, pensions and loans to start up their own businesses, provision of 5 kg of food grains every month under India's National Food Security Act. Odisha with a total transgender population of approximately 20,300 is the first region in India to give transgender people social welfare benefits aimed at improving their overall socio-economic status. The Social Security and Empowerment of Persons with Disabilities (SSEPD) Department, Government of Odisha recognises that transgender persons constitute a valuable human resource for the society and launched the scheme to create an environment to ensure social justice and political empowerment. However, in spite of all the above initiatives, there is the need to aware the society and sensitize people about the transgender

population and their problems. The much needed united efforts would definitely contribute towards making the transgender community a part of the mainstream society and there would come a time when we would be reminiscing of the struggles, efforts and initiatives for their legitimate claim. Despite policy initiatives, this marginalised section confronts various challenges. They still struggle to earn a living with dignity, access healthcare facilities, get equal education opportunities, and in other similar areas. The rights of transgender persons can only be ensured if they are treated in a non-discriminatory and progressive environment.

Objectives:

The paper aims at exploring the following objectives:-

- To explore and examine the government policies and assess the effectiveness of such programmes and activities in addressing the issues and concerns of transgender community.
- To examine the impact of government policies in creating and shaping the social inclusion of transgender persons as well as to decipher the voices of the transgender persons about their grievances and bring out a constructive solution to their problems.

Methodology:

The population of this study covers the members of the entire transgender community of the state of Odisha. All Government departments dealing with the development of this marginal community in the state are covered. The methodology will include 4 major approaches such as, ethnographic approach, structured interview schedules, focus group discussion, and narratives of life experiences. The methodological focus will be on examining the process of planning and the proceedings, structured interview and face to face interaction with policymakers.

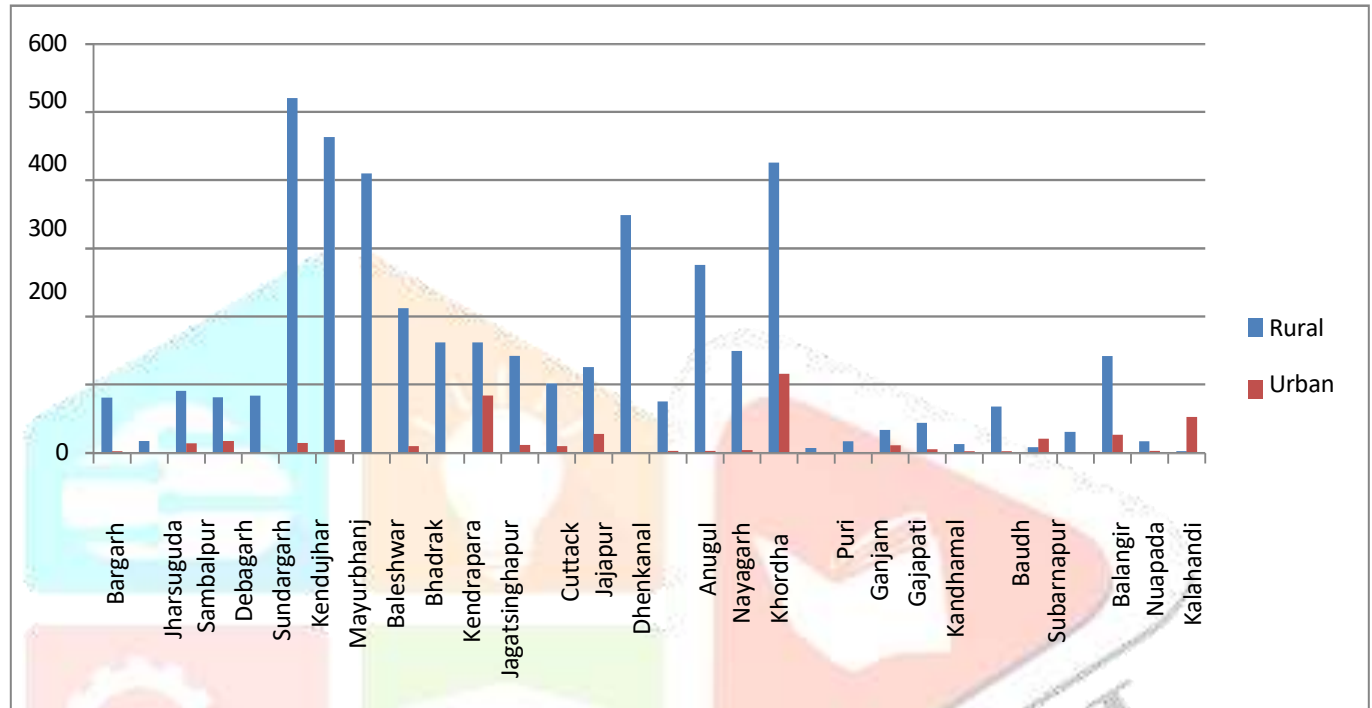
Transgender Community in Odisha:

The census report shows that the total population of transgender in Odisha is around 20,332 of whom only 2000 agreed to be identified as transgender. It is important to note, however, that accurate figures are unavailable due to the fact that no formal estimation of the number of transgender persons living in Odisha has been conducted till now. The social security and empowerment of persons with disabilities (SSEP) department had assigned Xavier institute of Management, Bhubaneswar to conduct the study to know the status of transgender in Odisha.

The study conducted by XIMB reveals “around 75% of the transgender had to abandon their education before they completed their 10th standard. Around 20% among them completed class XII and out of those a very few went for graduation and higher student. Theresearch also stated thatmainlivelihoooftransgenderwasbegging,dancinginprivatefunctionsandworkingassex workers.

Figure1:GraphicalRepresentationofDistrict-wisedistributionofTransgender Population

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Source:Socio-EconomicCasteCensus,2011

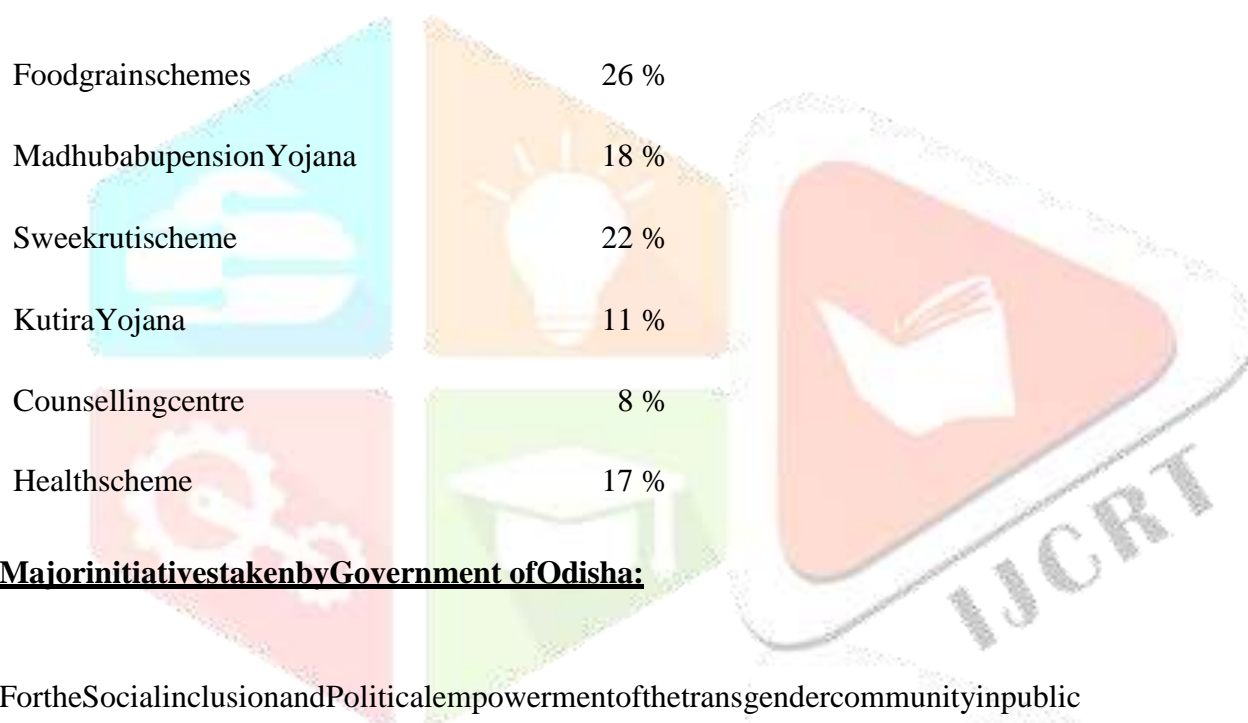
Sweekrutischeme:

The Government of Odisha formulatedan umbrella scheme ‘Sweekruti’ to secure the rights of transgender personsandensure equitable justice. Itis a schemefor the promotion of transgender equality and justice. It has “skill-upgrading training programmes” and “self- employment programmes”as its major objectives. A monthlystipend ofRs. 1000 would be paid for each transgender trainee under this programmein order to encourage them to apply for the scheme. The list ofskill training includes various training like computer skills, art and craft designing, training for making toys, electrical training etc.The scheme also offered self-employmentkitstothosewhowereinterestedinadaptingtotheirtraditionalfamily

professions. The beneficiaries can also be encouraged to group initiatives for creating self- employment-based individual income, such as production, marketing, service centres, etc. The Social Security and Empowerment of Persons with Disabilities (SSEPD) Department, Government ofOdisha,recognized that Transgender Persons are a valuable human resources for the society and launchedthe “Sweekruti”Scheme, with the following objectives:

- To create an enabling environment to ensure equal opportunities, equity, social justice & empowerment of transgender persons of the state.
- To encourage voluntary action and participation of all stakeholders for ensuring effective social integration of transgender persons.
- To promote individual and group endeavours by transgender persons for employment, self-employment and other socio-educational services.
- To strengthen the existing implementation machinery and create facilities for coverage of all transgender persons of the state.

Awareness level of Transgender community members about the Programmes Introduced by the Government of Odisha



Major initiatives taken by Government of Odisha:

For the Social inclusion and Political empowerment of the transgender community in public life, the State Government has taken several initiatives such as:-

- All the Municipal Corporations of the State are instructed to provide basic civic amenities such as sanitation, community toilet, drinking water, electricity etc. in the transgender residential areas under their jurisdiction.
- Recruitment commissions have been advised by the General Administration Department to include Transgender as a category of gender in the application forms meant for different requirements under public sector.
- All Government departments have been requested to take steps to include and spread awareness about the benefits of existing Government schemes to the Transgender persons.
- The Housing and Urban Development Department has been requested to provide livelihood support to all

transgender persons in different local bodies under the National Urban Livelihood Mission (NULM).

- All the Municipality Corporations of the state have been requested to provide voter card and Aadhaar Card to Transgender persons.
- A procedure has been outlined by the Department of Social Security and Empowerment of Persons with Disabilities for transgender persons to change their name and gender if they so desire.
- The Transgender persons Protection of Rights Act 2019 aims to set up a Welfare Board and a Protection Cell to provide various protection to the transgender community.
- Odisha State Transgender Person Policy 2021 in consonance with Transgender Persons (Protection of Rights) Act, 2019 & Transgender Persons (Protection of Rights) Rules, 2020 reiterates the commitment of the State to provide equal opportunities to Transgender Persons and protection of their rights.
- Another endeavour of the government of Odisha is to designate special officer to deal with the complaints of transgenders in a bid to end the harassment and hassles people from the community face in government offices.
- In July 2020, the Odisha government had approved a proposal to include the transgender community under the “Madhu Babu Pension Yojana” (MBPY), a social security scheme aimed at providing financial assistance to the destitute and elderly people. Under this scheme, around 5,000 transgender will receive Rs. 500, Rs. 700 and Rs. 900 per month as a pension under various categories depending on their age.
- An initiative known as the “Nirmala” Yojana was launched and it is exclusively for socio-economic inclusion of Transgender persons in the workplace. Under the ‘Nirmala’ yojana, the district administration has provided jobs to third-gender people according to their ability and educational qualification.
- In another initiative, the Social Security and Empowerment of Persons with Disabilities (SSEPD) minister instructed various district authorities to take necessary action to conduct awareness campaign about the most sensitive surgical operation and hormonal therapy for the transgender community.
- In a bid to make the transgender community self-reliant, the Bhubaneswar Municipal Corporation (BMC) has handed over two prime parking lots in the city to a transgender organisation to collect parking fees.
- The Department of Social Security and Empowerment of Persons with Disabilities has written to the

secretaries in all departments under the state government to designate 'Complaint Officers' in all offices in their respective departments. The officers will deal with allegation related to the violation of Provisions under the Transgender Persons (Protection of Rights) Act, 2019.

- In a move to integrate the transgender community into the mainstream society and provide employment, the state government has decided to involve members of Mission Shakti, the state women empowerment mission, and the transgender community in different management work in urban local bodies (ULBs).
- The government has taken an excellent move and has come up with an advertisement in June 2021 inviting applications from transgender persons for the posts of constables and sub-inspector of police.

A critical review of Government programmes and policies

The state of Odisha is one of the very first state in India to introduce an inclusive scheme which creates a very positive environment for the transgender community. NITI Aayog in its India Voluntary National Review 2020 (IVNR) report on "UN Sustainable Development Goals" has appreciated the Odisha Government for implementing the "Sweekruti" Scheme to protect the rights of the transgender community. The welfare schemes given under Sweekruti scheme are numerous and beneficiary. But, unfortunately, because of lack of various exposure opportunities and because of absence of proper awareness, the transgender persons are unable to avail benefits from the schemes. One of the difficult tasks in the entire process is managing the "implementation" part of the government policies and programmes. As the experience of the previous skill development programmes shows, despite a well planned effort, the programme could not start due to numerous problems. The major problems start from financial issues to identity issues of transgenders mixed with poor mindset of our society which creates further hindrance in the implementation part of the government schemes. The initial problem arises when many transgender persons had mentioned "female" as their gender in their identity proofs. The duality in gender in "identity cards" was a common problem across the state due to the late official recognition of the "transgender status" for many who would have an identity card issued earlier. Another challenge is that many of the members of the community do not have permanent proof of address because they are forced to leave their ancestral homes at a young age. Thus the absence of the proper documents created further social isolation. Due to a lack of proper identification documents like PAN Card, Aadhaar Card and Ration card etc, transgenders are unable to access social security schemes and government relief packages.

The Government of India and different state governments including Odisha have envisaged different welfare schemes for the empowerment of transgender persons, such as, "NALSA" judgement of Supreme Court and "Sweekruti" scheme of Odisha government. But unfortunately the community are still facing humiliation, stigmatisation and discrimination. At grass root level these schemes are not effectively implemented and all the marginal groups are not properly covered. Efforts from the state government in terms of introduction of

programmes, policies, and new schemes to create an equal and dignified space for the transgender community is however faced many challenges and obstacles. This needs both short-term as well as long-term planning as well as unified efforts of the society and the state. It may bring a change in the mindset of society which make a room for the common people to accept the third gender people and encourage them to look beyond the binary social construction of gender.

Most of the transgender people of Odisha are illiterate, school drop-out and poverty stricken. They are deprived of basic fundamental rights like housing, education and health. In spite of various legislative measures and welfare schemes, they are facing socio-cultural exclusion and are denied their right to dignity and right to employment. All the schemes have not reached a great majority of transgender communities. The reasons are many, such as, poor awareness coupled with non-cooperation of government officers and absence of coordination among various departments has affected the implementation of schemes at grass root level. The transgender persons have been discriminated and ignored for their gender identity and denied social justice from their natal families, school, workplace, hospitals and public places. They are exposed to stigmatization, violence and harassment in different spheres of life. The discrimination, verbal abuse and social exclusion de-motivate them to seek government facilities under different schemes and programmes.

What more can be done:-

Despite numerous schemes aimed at enhancing transgender persons' lives, they still face a number of challenges. The challenges must be addressed properly in order to facilitate an equitable and dignified life. Some problems call for immediate and quick action, while others require long-term planning and preparation.

Some suggestions for the development of transgender community include:

- ❖ Making provisions for reservations in the educational institution and employment sectors.
- ❖ Introducing trans-inclusive welfare schemes and policies with strict implementation.
- ❖ Increasing public awareness to improve their general understanding of trans-specific terms.
- ❖ Collaboration between the government, civil society and stakeholders is needed.
- ❖ Inclusion of trans people into self-help groups, provision of training and skill development.
- ❖ Promotion of "Mental Health Helpline", which provides toll-free telephone based services.
- ❖ Establishment of transgender placement agency to register unemployed trans youth persons.
- ❖ Strict criminal law must be introduced against the people who commit violence against Transgender persons.

Conclusion:

A multi-dimensional approach with major focus on public awareness campaign is needed to include the marginal community in the social fabric. Apart from government policies and regulations, there is also a need for a trans-inclusive approach and sensitising legal enforcement systems while dealing the issues of transgender community. In spite of government initiatives only a handful of transgender group actually get to enjoy those rights and privileges. Transgender community are denied a number of rights includes, right to vote, right to property, right to public toilets, right to live with dignity, right to get education, right to employment, right to health, etc. Their constant social ignorance or disregard at the hands of general people, primarily due to a lack of consideration or acceptance of transgenders, combined with a mind set to look at people associating themselves with transgenders with cynical or questionable eye, create constant hindrance in their social inclusion process. Honourable Indian Supreme Court have passed a judgement to recognise the social identity of transgenders as the "Third gender". But the question here is, when the Third gender is recognised in pen & paper (documents), it is yet to find an existence in people's spirits. There is a complete absence of equal status, equal rights and equal identity in the case of this marginalised community. The absence of acceptance create hindrance in the process of equality and inclusion. However, there is the need to sensitize people about the transgender population and their problems. This sensitization effort could start from schools where the young minds should be inculcated with the idea of the "we" which includes the transgender community amongst other marginalised and excluded sections of the social architecture. There is a need for further research and analysis.

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