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SADHU VASWANI INSTITUTE
OF MANAGEMENT STUDIES
FOR GIRLS

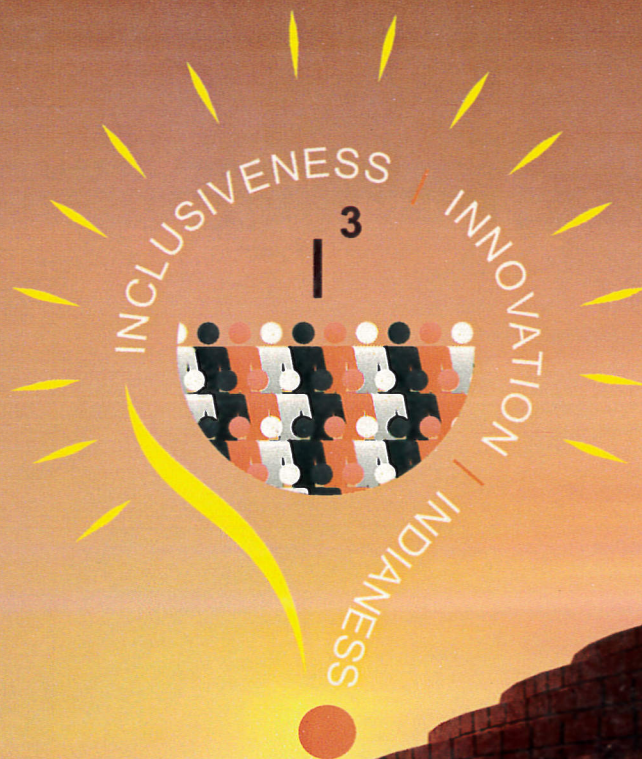
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I³ - Sutra to unl^{ck} ck

India's potential

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For

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Pernicious Social Exclusion of the Marginalized Community of *Hijras* in India

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INTRODUCTION:

Today, we the Indians are talking about 33% reservation for women and need for reservation for the Scheduled Castes, Scheduled Tribes and other Minority Communities. Silently, a group of people getting estranged from the view of the society are the LGBTs viz. lesbians, gays, bisexuals and transgenders (LGBT) who face a number of particular concerns especially in India. In this paper, I would make a sincere endeavour to show how the transgenders suffer victimization and stigmatization due to lack of counseling and societal support system.

According to Amita Mukhopadhyay and Ritam Chowdhury, "Eunuchs in India, commonly known as 'Hijras', are under-represented and marginalized. They rarely access conventional health-provider systems due to mistrust and fear of censure". (<http://tdo.sagepub.com/content/39/1/63.short>)

STATEMENT OF THE PROBLEM

Even today, these subalterns have absolutely no acceptance and protection from prejudice and abuse. Ceaseless discrimination against them is often translated into violence. The main factor behind the violence is that society is not able to come to terms with the fact that hijras do not conform to the accepted gender divisions. Still, Male and female are the only sexual categories which have secured society's approval. Individuals, who do not fit into these two categories have to bear the brunt of social ostracism, isolation and contempt. Politically, legally and socially the community of hijras is traumatized and the invisible clutches of social forces do not permit them to carve their own design beyond the patterns recommended and accepted by society.

In India, the transgender people, transsexuals, cross-dressers, and eunuchs are

addressed by various kinds of names and castrated in extremely unhygienic conditions. According to a well-known Gynaecologist from Pune city, Dr. Vaishali Biniwale, they often seem to be living on the fringes of society and are publicly identifiable by their mannerisms. Most of them are unemployed and are compelled to resort to beggary.

Many transgender and gender-variant people in India experience transphobia (social aversion or antagonism) which can sometimes lead to mental health concerns, such as depression, anxiety and risk of suicide. It also leads to fears about finding a partner, fears about violence and prejudice when one is read as transgendered, feelings about having to experience surgeries, hormones, the frustration of having to explain legal property, diplomas, etc. Sometimes transgendered people might feel uncomfortable seeking health care because of fear of Transphobia.

AIMS AND OBJECTIVES OF THE RESEARCH PAPER

- To look at the problems faced by these subalterns and think of immediate corrective measures to be adopted to empower the transgenders and ensure that they lead a hassle-free life.
- To take up cudgels against the existing social system and fight for the personal and political rights due to them.
- To appeal to the central government to make its stand clear on the issue as community members continue to face discrimination at various levels, including government related works.

SIGNIFICANCE OF THE STUDY

Suicidal attempts are on the increase amongst transgendered people. Suicidal

tendencies are believed to be mostly due to the difficulty encountered by transgender people when attempting to be themselves in an unfriendly world. Cultural sensitivity also plays an integral part in ameliorating the condition of the transgendered people in India. The significance of the study is to help the subaltern transgendered people get their fair share in the mainstream and save them from unprincipled exclusions.

SCOPE OF THE STUDY

The ways that transgender people are talked about in popular culture, academia and science are constantly changing. So this study can spark the audience readers not only to seek political and social change but also give meaning and significance to their lives.

SURVEY OF WORK DONE IN THIS AREA AND NEED FOR MORE RESEARCH

1. Overview of Transgender/Transsexual Health and endeavour towards their clinical care

In clinical terms, "Transgender" refers to people who aim at transitioning between two sexes by taking sex hormones or surgically removing or modifying genitals and reproductive organs. Renowned Gynaecologist Dr. Vaishali Biniwale says, "Vaginoplasty can help the transgenders identifying themselves as females and have a pleasurable sex life".

Dr. Uday Phadke, a well known Endocrinologist says, "Many transgender people claim to be dissatisfied with their biological sex and assigned gender role and are often diagnosed with gender identity disorder (GID)". For these people, gender reassignment surgery, hormone therapy and endocrine management can allow them to feel "right," or "natural."

Transgendered people have specific **health care concerns** like bias and discrimination in the medical community, delayed medical care, lack of research on long-term hormone therapy effects, reluctance to seek care and limited access to care due to insurance policies, negative reaction to sex and gender transitioning from peers and risks associated with unsupervised therapy.

- The online journal of the International Aids society consists of an extensive study of sexual practices, HIV and sexually transmitted infections among self-identified men who have sex with men in four high HIV prevalence states of India. It was a cross-sectional probability-based survey of 4597 self-identified MSM in selected districts from four states in south India. Self-defined sexual identity, sexual behavior, and STI/HIV knowledge were assessed using a structured questionnaire.

When grouped by self-identity, the HIV prevalence was: *hijra* (transgender) 18.1%; bisexuals 15.9%; *kothis* (anal-receptive) 13.5%; double-deckers (both anal-insertive/anal-receptive) 10.5%; and *panthis* (anal-insertive) 7.6%. Reported condom use with last paid male partner was over 80% in all states and categories. Consistent condom use was overall low among self-identified MSM, with less than 29% with non-commercial non-regular male partners and less than 49% with regular male partners. The percentage of self-identified MSM with regular female partners was 14-43% and with commercial female partners was 14-36% across states, and consistent condom use differed by self-identity. Prevalence of Syphilis was high among *kothis* and *hijras* (15.8 and 13.6%, respectively). Urethral gonorrhoea prevalence was less than 1% and chlamydia prevalence ranged from 0.4 to 4.0%. Thus the national programme's focus on HIV prevention services for these high-risk MSM is justified. **The study shows that the national programme is making a sincere endeavour to provide the best of clinical care services to the neglected group of transvestites and people with alternate sexualities.**

2. Social Inclusiveness of the "third gender" through Performing Arts:

Playwright and film maker Mahesh Dattani has left no stone unturned to work for the betterment of the eunuchs. In an interview with him at a national seminar held at St. Mira's College for Girls on the 7th of February, 2013, Dattani said "I personally stayed with the eunuchs and transvestites to empathize with the disempowered lot. This helped me focus on the plight of the community and

conclude that the status of Hijras is not a source of embarrassment but is in fact much worthy of official recognition". His power packed play called '*Seven Steps Around the Fire*' revolves around the life of eunuchs. Portrayal of the transgendered people in his play enhances the spectrum of alienated characters created by him, underlines his avid interest in marginalized people and alternate sexualities. Dattani gives the hijras of India a voice to articulate their feelings and predicaments in the English theatre through his social problem play. Dattani through this play compels us to think of giving them a separate social and linguistic space. His bold and sharp dialogues coax the audience readers to value their existence in society. Let me here, justify my point through textual evidence from Dattani's play *Seven Steps Around the Fire*.

Munswamy: She! Of course it will talk to you. We will beat it up if it doesn't. (page 233)

Munswamy: If you don't mind me saying, what is the use of talking with it?

Munswamy: It will only tell you lies. (page 234)

Hijra Anarkali is addressed in the most derogatory terms.

Munswamy: I will come inside and beat you up, you worthless pig! (page 235)

Munswamy: Back! Beat it! Kick the hijra!

The playwright's symbolic autonomy could only translate into a social gain for them by allowing them to avail of absolutely basic human rights in the form of sexual identity. As audience readers, we could pin our hopes on Dattani's efforts of promoting the kind of progressive social change that we, as scattered individuals may be powerless or incapable of instigating. Miruna George in her essay "Constructing the Self and the Other" claims that "Dattani pulls his audience out of their complacency telling and showing them that we are the prejudiced ones. He does not want the audience to lose themselves in a performance. He encourages them to be self critical." (Multani, Angelie. Mahesh Dattani's plays: Critical Perspectives. 145) In order to revamp the tabooed social system, Dattani focuses on changing people's perception and give the deserved set of privileges to hijras. He does

not give his own private mood but also of the world. He treats people as intelligent not as simpletons when they hold a deep rooted grudge against the eunuchs.

As we all know, Reality shows aired on TV Channels are very popular in India. Sushant Divgikar, the winner of Mr. Gay India 2014, said that his presence on the Reality show "Bigg Boss 8" could change perceptions of people about the LGBT (lesbian, gay, bisexual and transgender) community. "I think I can sensitize the people about my community by being the face of LGBT community in 'Bigg Boss'," Sushant told IANS from Mumbai before entering the show. (<http://www.bollywoodlife.com/news-gossip/bigg-boss-8>) The past seasons of "Bigg Boss" have seen inclusion of names like Bobby Darling, Rohit Verma, Laxmi Narayan Tripathi and Begum Nawazish Ali as LGBT representatives. Acclaimed fashion designer Rohit Bal shows no sign of shame or compunction when labeled as "sissy", "pansy" or "effeminate". The Kashish Mumbai International Queer Film Festival (also known as Mumbai International Queer Film Festival) is an annual LGBT event that is held in Mumbai, India since the year 2010. The film festival screens gay, lesbian, bisexual, transgender and queer films from India and abroad. The films focus on struggles faced by the transgender community. The festival aims at creating a debate among the public on the marginalized transgender community.

3. Transgender articulations and their inclusiveness in the Human Rights Law:

The enactment of the Criminal Tribal Act, 1871, was an extraordinary legislation that even departed from the principles on which the Indian Penal Code was based. To establish an offence under the Indian Penal Code, the accusations against the accused have to be proved beyond reasonable doubt in a court of law. But, unfortunately certain tribes and communities were perceived as criminals by birth, with criminality being passed from one generation to another. It fitted in well with the hierarchical Indian social order, in which some communities were perceived as unclean, inauspicious, low born and polluted by birth. An undercurrent of anxiety, feverish

sensibility and ominous silence ruled this inexplicable social order. Law records reiterate that the link between criminality and sexual non-conformity was made more explicit in the 1897 amendment to the Criminal Tribes Act which was subtitled "An Act for the Registration of Criminal Tribes and Eunuchs". Under this Law, the local government was required to keep a register of the names and residences of all eunuchs who were suspected of committing offences under Section 377 of the Indian Penal Code. (http://en.wikipedia.org/wiki/Section_377) Any eunuch so registered could be arrested without warrant and punished with imprisonment up to two years or with a fine or both. The law also decreed eunuchs as incapable of acting as a guardian, making a gift, drawing up a will or adopting a son. This law was inhuman, insensitive and at complete loggerheads with Human Rights.

This poignant exposure of violations against transgender persons and communities thus becomes an obligatory reading for Indian human rights communities. Still, the dominant discourse on human rights in India has yet to come to terms with the absolute absence of human rights among transgender communities.

Recently, the Supreme Court recognized transgender people as a "third gender" in a landmark ruling and ordered the government to provide them with quotas in jobs and education and other key amenities. Still the government is expected to make symbols for the recognition of the "third gender" in public toilets, polling stations and hospitals. Lakshmi Narayan Tripathi, a transgender rights activist and one of the petitioners in this case, welcomed the verdict, saying, "The progress of the country is dependent upon human rights of the people and we are very happy with the judgment as the Supreme Court has given us those rights." (<http://timesofindia.indiatimes.com>)

Tripathi has studied in-depth the troubles encountered by the transgender community and has suggested measures to ameliorate them. All identity documents, including a birth certificate, passport and driving license would recognize the third gender, along with male and female. The government also promised to allocate a certain percentage of

public sector jobs, seats in schools and colleges to third gender applicants, according to lawyer Sanjeev Bhatnagar. Owing to their lack of access to jobs and education, many male-to-female transgenders are forced to work as sex workers or move around in organized groups dancing and entertaining the masses to earn a penny or two. "Unless we are given work, everything else will be just lip service," said Shabnam Mausi, a TG who was legislator from Sohagpur Constituency in Madhya Pradesh from 1998-2003.

In an article published in *The Hindu*, a transgender Gunavathi said "There is no longer any discrimination or stigma to being a transgender. Now, I am respected by society, my neighbours and family members". A transgender and native of Oddanchatram, Gunavathi who is serving as a security guard in the Neonatal Intensive Care Unit of Dindigul Government Headquarters Hospital on consolidated pay observed, "The government job brings unimaginable changes in my life and career. Now, I am economically independent. I am treated well in the office and at home". Speaking to *The Hindu*, Gunavathi further said, "Many people were averse to talk to me but, those who belittled me earlier called up to greet me. The hospital staff treated me as their colleague from day one. Mothers of newborn in the ward treated me as a woman." (www.thehindu.com). Gunavathi, who lived with her parents, was born to a farmer. After primary education in Oddanchatram, she finished schooling at Dudley Higher Secondary School, Dindigul, undergraduation at Palani Andavar Arts College, Palani, and post graduation through correspondence course.

Gunavathi's example shows that the transgendered people are now making an endeavour to take up respectable jobs and are all set to carve a niche for themselves in various fields.

NEED FOR MORE SOCIAL INCLUSIVENESS

In order to comprehend the problems and obstacles faced by the transgender, I interviewed the hijras frequenting the Bansilal Ramnath Agarwal's Mahalakshmi temple, Pune, I realized that the community members

demanding equal rights in all walks of life and insisted that the government should make more provisions in the law to recognize their rights.

Q: Are you happy with the steps taken by law and government to remove the stigma attached to your community?

A: These days the entire country is talking about social inclusiveness and gender inequality. The government is definitely trying its best however the people cannot give up their unflinching faith in antiquated ideas and beliefs. We are invited to wedding parties and birth celebrations where we demand our shares, however we are excluded from the mainstream of the society. If women are demanding equality on the basis of sex in every sphere of life, we are only clamouring for respectable gender identity.

Q: What are the various difficulties and obstacles faced by your community?

A: We have to face high rates of unemployment and poverty partly because we are gender non-conforming people. We are all the devotees of the Mother Goddess Bahuchara Mata and our sacred powers are contingent upon our asexuality. In reality, however, many of our friends are working as prostitutes. This sexual activity undermines our culturally valued sacred role. Our "gender expression" is external and socially perceived. The primary reason of our exclusion is perceived to be ambiguity in recognition of our gender status. It is a key barrier that often prevents us from exercising our civil rights in our desired gender.

Q: Do you have a desire to learn to read and write?

A: Of course, yes. We have an ardent desire to learn to read and write but there are limited educational and employment opportunities for us as most jobs are confined to male and female sexes.

Q: Do you have an easy access to all public places now?

A: The lack of access to bathrooms and public spaces access is illustrative of discrimination faced by us in availing of all the facilities and

amenities. We face similar problems in prisons, hospitals and schools. We are living in a Tabooland like India into which we do not often easily fit. We experience low self esteem and lack of sense of belongingness.

Q: Are you familiar with endocrine management or hormone therapy and chest or genital reconstruction surgeries?

A: No Madam, all this is Latin and Greek to us. Our expectations are very simple and down to earth. We can't afford expensive treatments. We will be more than happy to have an access to a spa or a beauty parlour that offers us jobs and makes us feel comfortable. An NGO had approached us for professional counseling and help to address our day to day concerns and issues however we are apprehensive about the confidentiality aspect. All we need is appropriate guidance and sensitive care.

Q: Do you often suffer from depression and anxiety?

A: One of our friends committed suicide when she was beaten up for using a ladies toilet. Madam, what are we to do? Each citizen of India is involved with the "Swachhha Bharat Abhiyaan" but no one is still taking the initiative to construct toilets for the "third" gender. The Supreme Court has given us the right to have a license, passport and Aadhaar card but to tell you the truth, we are too poor to invest in vehicles or fly abroad. All we need is some basic facilities, a little bit of understanding and self worth.

Q: Do you go to restaurants or cinema houses?

A: We do but still we quake in solitude at the prospect of recognition. We have a choice between becoming more public and fighting for our rights or leading a claustrophobic life and die of depression.

Q: Do you all have a bank account?

A: Yes Madam, we do. But as and when we save a lot of money, we like to invest in gold and ornaments.

Q: Are you happy with the way your community is depicted in movies and advertisements?

A: We are happy to know that filmmakers are including a bit of us in movies and advertisements, but unfortunately we are most often used as objects of ridicule. Actors like Govinda, Riteish Deshmukh and Aamir Khan have tried their best to represent our community in films however the eunuch's role played by Paresh Rawal in Mahesh Bhatt's film "Zakhm" has left an indelible impression on our minds.

Q: Do you often experience fear?

A: Yes, we fear committing to relationships. We also have a fear of rejection by friends, colleagues and religious groups.

CONCLUSION

- As cinema expounds a profound influence on the Indian masses, the best way of dealing with the Transgender issue is to popularize movies revolving around sexual minorities and bring in the desirable social change.

- Since transgenders are prone to health risks and setbacks, they need to be provided proper medical facilities, including health insurance and clinics, where free or subsidized treatment should be made available. The counseling centers have to take care of the confidentiality aspect of the endocrine problems faced by the transgendered community.
- The transgendered need to be empowered and uplifted by facilities for higher education and vocational training to upgrade their earnings and status in society so as to promote their acceptability.
- Seminars and Symposia should be organized to place an emphasis on the inclusiveness of the transgender community and familiarize them with all the government facilities and legal procedures.

The Supreme Court has recognized transgender people as a "third gender" in a landmark ruling and ordered the government to provide them with quotas in jobs and education and other key amenities. Still the government is expected to make symbols for the recognition of the "third gender" in public toilets, polling stations and hospitals