India Case Study

Livelihood, Exclusion and Opportunity: Socioeconomic Welfare among Gender and Sexuality Non-normative People in India

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**Quotable Quote**

*I have never applied for any schemes because of lack of money and well-wishers. We need to come together to rectify the negative mindset of people towards our gender identity. I also want to get help and knowledge from learned people.*

Manipur FGD participant: 46-year-old primary school teacher who is a trans man and has been in a relationship with a woman for 24 years
Background

• Study part of “Sexuality, Poverty and Law Programme” of Institute of Development Studies, University of Sussex, UK
• Funding support from DFID
• Programme implemented in India and a few other countries
• Focus on Manipur and Odisha states apart from overall India policy coverage
• Study authors: Pawan Dhall and Dr. Paul Boyce
• Study partners: All Manipur Nupi Maanbi Association (AMaNA), SAKHA
Objectives

• Study aimed at gaining qualitative understanding of economic inclusion status of people with non-normative genders and sexualities in India

• Investigated barriers and facilitators to economic inclusion:
  - How government poverty alleviation programmes (social security schemes) include or exclude people with non-normative genders and sexualities
  - Community responses to economic exclusion

• Recommends immediate and long-term strategies to improve economic inclusion at policy and programme implementation levels
Methodology

- Study examined government poverty alleviation programmes and their capacity to include people with non-normative genders and sexualities
- Mix of primary and secondary methods
- Preliminary literature review (policy analysis)
- Semi-structured interviews with government, donor and NGO officials
- Semi-structured interviews and FGDs with people affected by economic exclusion*
- Lived experience of authors as development professionals and activists

* People with non-normative genders and sexualities – explain that this expression includes not just those who identify with terms like lesbian, gay, bisexual, transgender, trans woman or trans man, MSM, nupi maanbi or nupa maanba, but also many other individuals who may not identify with these terms and yet have non-normative genders, sexualities, sexual behaviours, intimate relationships and families
Findings: Introduction

- Since 1990, India experienced considerable economic growth (increase in GDP)
- It also experienced poverty reduction, but poverty measurement methods are debated
- At the same time income inequality shot up
- Economic growth story also cannot ignore continuing gender inequity – for women and gender and sexuality minority people
- Challenge lies in tackling hetero-patriarchy
Findings: Introduction contd.

- Contradictions in socio-legal environment – criminalization on one hand (Section 377, ITPA, other laws), recognition and protection on another (Supreme Court NALSA verdict)
- Political parties still hesitant to show full-fledged support for gender and sexuality diversity
- But India is a welfare state with commitment to tackle factors that lead to economic exclusion
- Does it tackle exclusion because of gender and sexuality non-normativity?
Findings: Socioeconomic Assessment

- Limited population data (invisibility because of stigma, fluidity of identities)
- Poor educational status (loss of education because of stigma and discrimination)
- Loss of shelter and property rights
- Impact of stigma on health status (HIV and mental health vulnerability, limited options for safe SRS for trans persons)
- Severely limited set of livelihood choices
Findings: Social Security Availability

Broadly, social security available consists of:

- Identity and citizenship proof documents (birth certificates, ration cards, passports, PAN cards, Aadhaar cards)
- Social welfare schemes (food, housing, pension, employment)
- Free legal aid services
- Public health programmes (including health insurance schemes)
Findings: Barriers to Access

• Overall barriers: Inadequate budget, leakage of funds, misappropriation of funds, illiteracy

• Specific barriers:
  - Lack of acknowledgement of gender diversity at social security policy and service delivery levels (even after NALSA)
  - Lack of legal / policy recognition for non-normative intimate relationships or marriages and family structures
  - Stigma and discrimination at service delivery level
  - Lack of awareness about NALSA ruling (service delivery level)
  - Complexity of paperwork for application process
  - Difficulty in applications follow-up because of migration
Findings: Key Omissions

• Child protection laws not able to prevent family violence, sexual abuse, loss of shelter, school / college dropping out among children/adolescents with non-normative genders and sexualities
• No protection under laws to prevent sexual assault or sexual harassment at workplace
• Health insurance schemes don’t cover SRS costs
• No public health programmes to address mental health and disability needs
Community Responses

• Traditional choices: *Hijra* networks
• Reliance on sex work (even as a secondary occupation)
• Individual entrepreneurship – needs to be supplemented with training, marketing support
• Initiatives of CBOs: SHGs, support for small trades, livelihood training projects
• Donor-supported NGO initiatives to facilitate access to social security services
Economic Inclusion: Caution

• Reservations in educational institutions – will they on their own eliminate stigma and discrimination by students, faculty, families?
• Exclusive educational institutions versus sensitizing and monitoring existing institutions, providing scholarship support
• Identity-based and reservationist social welfare schemes versus sustainable skills building programmes
Recommendations

- Immediate: ‘Demand’ vs. ‘Supply’ for social security: *Table 7.1, Chapter 7*
- Intermediate: Infusing equity in education syllabi, media representation
- Long term:
  - Discourse on gender and sexuality at policy and legal levels
  - Decriminalization leading to positive spin-offs around non-normative marriages and families, property inheritance, child adoption
  - Revisit definitions of ‘marriage’, ‘family’ as in case of ‘gender’
  - Revise sexual assault laws – make them inclusive
  - Anti-discrimination law in line with constitutional values

For decriminalization, mention need for change in anti-vagrancy and obscenity laws along with Section 377
Photo-documentation Exercise

Picture courtesy: AMaNA
Ensure transgenders feel at home, says UGC to universities

The University Grants Commission has asked universities to take all steps to ensure that transgenders among students do not feel out of place on campus.

In a letter to all vice-chancellors, UGC secretary Jaspal Sandhu has said they should ensure human rights of transgender students are safeguarded and their mainstreaming is fast-tracked within the university and society.

In July last year, UGC notified transgenders as the third gender to enable them to be eligible for all scholarship schemes and fellowship programmes in higher educational institutions.

"The transgender community is a distinct cultural identity and unique on the socio-cultural map of the country. It is to be admitted that much remains to be done in order to ameliorate the discrimination and deprivation suffered by the community in Indian society," the letter said.

The UGC expects colleges to create transgender-friendly infrastructure on campuses. "This will go a long way in acclimatizing transgender students without facing any fear, stigma or shame," it said.

Academics should take up ethnographic research on the life and culture of transgenders to dispel myths about them, it said adding that UGC would award major research projects to academics who can individually or in collaboration with community members and experts take up such research.

"Such research will lead not only to a better understanding of the transgender subculture but also dispel several myths pertaining to the community embedded in popular discourse," Sandhu said. Selvi, a transgender activist working in a temporary position as a physiotherapist in GH, said the first thing was to set up positive role models.

"The government should provide jobs to all transgenders registered with the employment exchange and make the jobs of temporary workers permanent. This will help develop positive examples within the community and encourage other younger transgenders to attend college and aim for a better future. The health minister and secretary have promised me a permanent job, and this is a step in the right direction," Selvi said.
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Thank You!