# Exploring the Social and Political Lives of Gender Nonconforming People in India

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## Abstract

Throughout the 1990s and early 2000s, various NGOs (non-government organisations) and CBOs (community-based organisations) were founded in India with the aim of spreading HIV awareness among sexual minorities and a range of gender nonconforming people, broadly grouped at the time as the hijras. Through such organisations, the hijras came in contact with Western norms, practices and categories of identification. These organisations also served as important pathways for the rise of LGBT activism in India, which has led to the passage of legal reforms such as the National Legal Services Authority judgement (2014) and the Transgender Persons (Protection of Rights) Bill (the 2014 and 2016 drafts). Drawing on interview data collected from thirty-seven participants identifying as transgenders (TGs), hijras and men who have sex with men (MSM) (including two queer persons), this thesis explores the social and political lives of gender nonconforming people in India. The research primarily focusses on gender nonconforming people who are assigned male at birth (MAB) and does not include people who self-define as intersex, and while the study includes two participants assigned female at birth (FAB) who self-define as queer, they are not a focus of the study. The interviews were conducted between September 2017 and March 2018 at a CBO and four NGOs in Delhi and the surrounding NCR (National Capital Region).

The research project examines socio-political influences on gender nonconforming people's sense of self, their ideas about community and their personal and group aspirations. The data collected from the interviews point to the following findings: Firstly, some gender nonconforming people strategise their identities by selectively using Western categories of identification. The use of multiple categories for the purpose of identification enables them to navigate situations of stigma, garner visibility at an international level and obtain funding from global bodies. Secondly, instead of attaching themselves to a single community, participants see themselves as part of multiple real and imagined communities, which appear to be fractured primarily along the lines of class and occupation. Thirdly, the impacts of legal reforms passed between 2014 and 2016 seem to have fallen short of some gender nonconforming people's expectations with regards to their access to education, employment, housing, pension and healthcare. This research contributes new ways of theorising gender nonconforming people's understandings of the self and their approaches to activism in India.

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# Table of Contents

# Chapter One: Introduction

## Introduction

This research focuses on a range of gender nonconforming identities, predominantly TGs (transgenders), hijras[1], and MSM. Historically, in the Indian subcontinent[2], gender nonconforming people have been part of a spirited subculture of performers, entertainers and ascetics called the hijras, and have lived in communal houses called *gharanas*. However, with the ingression of global values through AIDS awareness programmes, more and more people from *gharanas* have been progressively distancing themselves from the term hijra, associating with categories they perceive as relatively less stigmatising (Mount, 2020). One such identity is that of a TG or transgender, which was used by about two thirds of my interviewees to self-identify, as they framed it as a marker of an elevated class and educational status (Mount, 2020). The social lives of gender nonconforming people in India have been a subject of widespread research, addressed by various ethnographic studies (Nanda, 1986, 1990; Reddy, 2005), histographical accounts (Menon, 2018; Pattanaik, 2014; Vanita and Kidwai, 2000), qualitative research (Chakrapani et al., 2012; Khan et al., 2009; Safa, 2016), secondary accounts (Dwivedi, 2016; Sharma, 1989), fictional accounts (Roy, 2017) and autobiographical accounts (Revathi 2010; Tripathi, 2015). In a number of these, individuals dispersed across a range of gender nonconforming categories have been consigned to the most prominent category among them i.e. the hijras, reifying the label within academic as well as popular discourses (Mount, 2020). This thesis explicitly departs from a monolithic conceptualisation of the multitude of people that represent India's gender diversity, as well as the ways in which they form communities and articulate their socio-political rights. It is also one of only a handful of sociological studies that explore how the new legal status of the 'third gender' in India intercepts and troubles the established notions around pre-existing gender categories.

In this introductory chapter there are four sections, setting out the theoretical and empirical backdrop of the thesis. The first section is an overview of the geographical and political context within which this research was conducted. The second offers a historical context of gender and

[1] Although I have italicised all other Indian terminologies, I have not italicised the term hijra in the interest of practicality, considering the number of times it has been used throughout this thesis.
[2] Gender nonconforming people are known by different names in different parts of the country and subcontinent. They are known as *Khawaja Sira* in Pakistan, *Aravani* in Maharashtra, and *Jagappa* in the South of India.

sexual nonconforming people, considering their position in society before and during the British colonial rule. The third section looks at contemporary legal activism and the political demands of gender nonconforming people. Specifically, it considers the potentials and drawbacks of two recent legal reforms that claim to give transgender people a new status and a set of rights: The NALSA judgment (2014) and The Transgender Persons (Protection of Rights) Bill (2016). The fourth and final section of the chapter introduces the remainder of the thesis, outlining the themes and contents of each chapter.

**Regional Context**

India is the world's largest democracy and home to a myriad cultures, languages, ethnicities and religions. It shares its land borders with Pakistan, China, Nepal, Bhutan, Myanmar and Bangladesh and is bounded by three water bodies, the Indian Ocean, the Arabian Sea and the Bay of Bengal (see Appendix A). Settled agricultural life emerged in India in the Neolithic era, around 7000 BCE, which evolved slowly into the Indus Valley Civilisation around 1300 BCE. By 1200 BCE Sanskrit became the dominant scholarly language, in which the Rigveda (a book on cosmology written during the Vedic period[3]) and the Manusmriti (from which the caste system unfolded) were written. The Delhi Sultanate was established in 1206 AD when Muslim armies from Central Asia invaded the northern plains and established settlements all across the region. The Mughals came to India in 1526 and ruled for the next 200 years. As I discuss later in the chapter, this era was marked by an elevated status of gender and sexual nonconforming people, who were given high ranking positions in the king's court. Following the Mughals, the British East India Company was established in the 1600 which turned India into Britain's colony. Since its independence from the British Crown rule in 1947, India's population has grown from 361 million (in 1951) to 1.211 billion (in 2011), its economy has grown from USD 64 per capita to USD 1,498 per capita, and its literacy rate from 16.6% to 74% (Census of India, 2011[4]).

At the time of the fieldwork, India had a right-wing government in power, The Bharatiya Janata Party (BJP), with Narendra Modi as Prime Minister. The party had a divided stance on LGBT

[3] The Vedic period marks the earliest literary record of Indian culture, the *Vedas.* The term *Veda* means 'knowledge' and refers to the four volumes of ancient Indian religious texts, namely the *Rigveda*, the *Yajurveda* (the book of worship rituals), the *Samaveda* (the book of songs) and the *Atharvaveda* (the procedures of everyday life). All Vedic texts are composed in *Vedic* Sanskrit and constitute the oldest scriptures of Hinduism.
[4] Source: https://censusindia.gov.in/census.website/

rights and continued to walk the tightrope, balancing its conservative and more moderate urban supporters. Since coming to power in 2014, some of its senior leaders had come out in support of gay rights. In 2015, for example, the then finance minister, Arun Jaitley, gave his full support to the cause of LGBT rights, stating 'When you have millions of people involved in this (homosexual relationships) you can't nudge them off, […] I am for decriminalising gay sex'. Curiously, the BJP's ideological parent – the Rashtriya Swayamsewak Sangh (RSS), a Hindu nationalist paramilitary organisation – had indicated early signs of gravitating in the direction of a liberal approach towards homosexuality. Although the Modi government had not taken any official stance on homosexuality, his party had made indications that it would not oppose the decriminalisation of homosexuality in India[5], leaving it to the 'wisdom of the SC to rule on the matter'.

For this research, thirty-seven participants were interviewed, including TG, hijra, MSM as well as a gay participant and two participants who self-identified as queer assigned female at birth (FAB)[6]. My work primarily focuses on individuals who were assigned male at birth and while the queer FAB participants added value to it, they are not its principal focus. This is due to the fact that LGBT and transgender NGOs in India are segregated on the basis of their target population for social upliftment, with an overwhelming majority of them focussing on individuals assigned MAB and very few that target FAB individuals, making the latter group significantly harder to reach than the former. Consequently, recruiting individuals assigned FAB into the study would have required a higher budget and a longer timeline than afforded by a PhD. None of the participants identified as intersex which is described in the medical literature as 'a condition whereby an individual is born with biological features that are simultaneously perceived as male and female' (Harper, 2020). The sociology of intersex people in India can be hard to address as intersex people are often uncomfortable discussing their bodies owing to society's divided stance on their 'spiritual status' (see page 91).

The study took place in India's capital city, Delhi and the National Capital Region (NCR) (see Appendix A). The NCR includes the satellite cities of Delhi i.e. Ghaziabad, Noida (also known as Gautam Buddha Nagar), Faridabad, and Gurgaon. Spanning over 1,484 sq. km, Delhi shares

[5] Homosexuality was decriminalised in India in 2018 after the completion of my fieldwork.
[6] The label 'queer' was not something that I ascribed to my FAB participants but was used by them to self-identify.

its borders with two other states, Uttar Pradesh (UP) and Haryana. The census data from 2011 estimated the population of Delhi to be over 11 million and that of the NCR to be 16.8 million, making it the second biggest metropolitan area in the world. At the time of the fieldwork[7], the Aam Aadmi Party (AAP), which translates to 'the common man's party', was in power in Delhi. The party declared itself a supporter and an ally of trans and LGBT rights and has sided with gender and sexual minorities on matters of human and constitutional rights. On matters of homosexuality, Atishi Marlena, a member of AAP, issued the party's official statement:

> We were there to understand their [LGBT people's] issues and problems. We have already made our stand clear on this after the Supreme Court judgement (criminalising homosexuality). We are for the reversal of the apex court decision as it is against the spirit of the constitution. We stand for equal rights for all the citizens and are against anything that deprives any citizen of rights. (Press Trust of India, 2014[8])

Moreover, as of 2022, the Chief Minister of Delhi and the founder of AAP, Arvind Kejriwal, has held multiple meetings with transgender delegations sharing his 'concerns' regarding the Transgender Person's (Protection of Rights Bill) with them, some of which will be discussed in the penultimate section of the chapter.

### *Gharana* Structure and Function

For several hundred years, hijras have confronted social norms and coped with stigma by forming sororal collectives known as *gharanas*. Accounts of scholars such as Nanda (1990), Reddy (2005) and Sharma (1989) provide detailed descriptions of the complex social hierarchies, kinship relations and affective bonding within hijra *gharanas*. Making sense of the *gharanas* is an important step towards understanding how hijras mobilise their social relations to make themselves visible and powerful in a society that disregards them. The hijras organise their social relationships in complex multi-generational *gharanas*. To be accepted into one, a novice has to be taken in by a *guru* into her kinship network through formal adoption. According to Goel (2018), hijras' practice of organising kinship relationships into *gharanas* may have been conceptually borrowed from the *gharana* system of Hindustani music lineages. Daniel M. Neuman (1980) in his book 'The Life of Music in North India' defined *gharanas* as

[7] As of 2022, the AAP was in power in Delhi.

[8] Press Trust of India. (2014, March 23). AAP clarifies stand on homosexuality. Business Standard News. https://www.business-standard.com/article/pti-stories/aap-clarifies-stand-on-homosexuality-114032300734_1.html

stylistic schools or family traditions in North Indian Hindustani music, functioning as a system of apprenticeship between *gurus* (teachers) and *chelas* (disciples). Just like their Hindustani counterparts, hijra *gharanas* are apprenticeship systems and the burden of its maintenance lies with the hijra *gurus* and their *chelas*. Veena Talwar Oldenberg (1976) observed a similar *gharana* system among elite female courtesans or *tawaifs* in the city of Lucknow. She described the *tawaif* lifestyle as a force of disruption to Indian social norms as through their matriarchal style of governance and kinship relationships, *tawaifs* actively resist and invert gender roles laid out by a patriarchal society. Moreover, she argued that similar to the *tawaifs*, the hijra *gharana* relies on a system of matriarchal governance and kinship that transgresses a hetero-patriarchal conceptualisation of family and contributes towards producing a counterculture in India.

The *gharanas* have 'a natural system of social existence based on non-biological kinship networks, which need to be accorded formal recognition' (Goel, 2018[9]). A young *chela* (disciple) is recruited under a *guru* (teacher) in one of the seven major hijra gharanas – *Block-waale, Lashkar-waale, Bhendibazaar-waale, Chakla-waale, Laalan-waale, Pune-waale, and Dongri-waale* (Chakrapani et al., 2007) – although there may be some regional variations in the names of these *gharanas*. Each of them has a *nayak* that is a senior hijra leader under whom several networks of *gurus* and *chelas* (disciples) operate. The *nayaks* are jointly responsible for resolving conflicts and maintaining order in the *gharanas*. While it is somewhat difficult to ascertain whether some *gharanas* are more powerful than others, Nanda (1990) suggests that a *nayak's* age and assets may have a role in determining the power and social standing of the *gharana* they represent.

[9] Goel, I. (2018, April 12). The Lifestyle of Hijras Embodies Resistance to State, Societal Neglect. The Wire. https://thewire.in/gender/the-lifestyle-of-hijras-embodies-resistance-to-state-societal-neglect

A hijra can be a *chela* under a particular guru and at the same time act as a *guru* to the junior members of her *gharana*. The *chelas* under one guru refer to each other as *gurubhai,* literally meaning brothers under the same *guru,* but they consider themselves sisters. The *gurubhai* of a *guru* is regarded as an aunt or *kalguru* and the *guru* of a *guru* is called the *dadguru* (paternal grandmother).

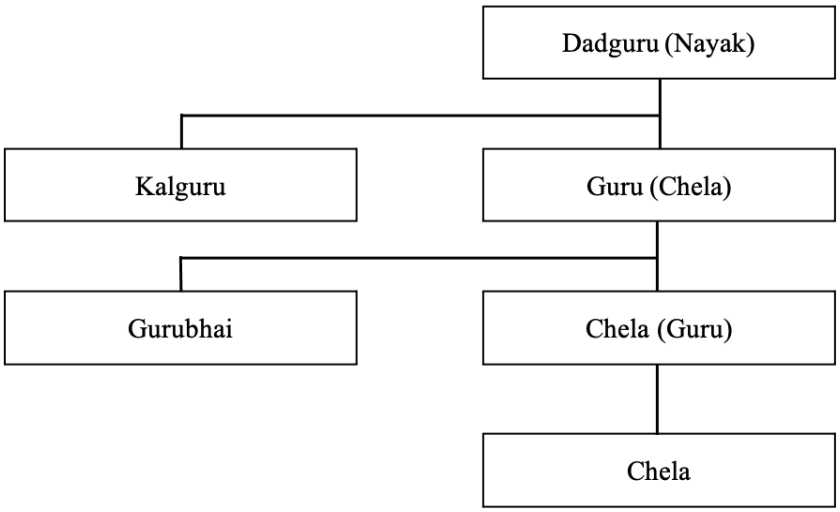



Fig: Kinship relationships in a *gharana*

According to Nanda (1990), a hijra *guru* acts like a mother to all her *chelas* and has the life-long responsibility of looking after their emotional and financial wellbeing. In a similar vein, Goel (2018) suggests that it is not uncommon for a *guru* to lend money to her *chelas* as well as exchange clothes with them – these exchanges are a way of expressing one's allegiance to their adopted family and help build solidarity between members. Gayatri Reddy (2005), based on her fieldwork with the hijras in the city of Hyderabad, challenges the portrayal of *gharanas* as caring and nurturing family homes for the hijras. According to her, it is power and not merely love that keeps a *gharana* together and that members who disobey their elders run the risk being expelled from it. Conversely, if a *chela* is not content with her *guru*, she may emancipate herself from the *gharana* after paying a nominal fee to the *guru* either directly or through an intermediary (Goel, 2016, 2018).

**The Historical Context of Gender Nonconforming People in India**

Classical Indian texts are replete with stories, myths and motifs around nonconforming gender and sexualities. Both oral and written accounts of nonconforming characters like *Shikhandi*, (who became a man to seek revenge from the person who separated her from her lover),

*Mahadeva* (who became a woman to deliver her devotee's child), *Chudala* (who became a man to enlighten her husband) and *Samavan* (who became the wife of his male friend) serve as historical and religious references to India's general acceptance of variances in gender and sexuality in precolonial times (Pattanaik, 2014).

Historians Vanita and Kidwai (2000) document a shift in social attitudes towards nonconforming gender and sexualities from an overall accepting one in pre-colonial India to a repressive and discriminating one during the colonial times. As they detail, the British Empire's preoccupation with the consolidation of its rule in India instilled in its administrators a tendency to circumscribe the colonised subjects within Judeo-Christian morality and domesticity (Vanita and Kidwai, 2000; Hinchy, 2014; Boxi, 2018). This was reflected in their increased surveillance, governance and containment of nonnormative selves and groups through the passage of 'draconian' laws such as Section 377 of the Indian Penal Code (1860) and the Criminal Tribes Act (1871). What followed was an era of control, repression, and criminalisation of the diverse gender and sexual practices endemic to India.

This section explores the historical trajectory of nonconforming gender and sexualities in India, both from the standpoint of social attitudes as well as legal precedents. It is divided into two subsections. The first subsection explores religious texts, myths and stories about gender nonconforming people in pre-colonial India and provides an account of how they lived their lives and how they were viewed and positioned within society. These stories and myths are important to consider in contemporary times as they offer a sense of legitimacy and a legacy of heroism to gender nonconforming people who are currently placed at a much lower social rank than their predecessors (Khan, 2019). The second subsection explores the constraints placed on the lives of nonconforming people during colonial times. In this part, the predominant emphasis is on the legal dimension rather than the social one as it is the former that scholars typically rely upon to demonstrate the constraining impacts of colonial rule on the lives of nonconforming genders and sexualities.

### *Pre-colonial Times*

Gender and sexually nonconforming people have historically enjoyed a favourable cultural context in India where gender and sexuality were seen as dynamic and multifarious rather than predestinate, binary, and fixed. It emerged out of Vedic Hinduism practiced in India in

prehistoric times (1500 BCE – 500 BCE) and certain aspects of Islam[10] that came to feature in cultural life during the medieval era. This subsection will first explore how Hinduism conceptualises gender and sexuality, and represents nonconforming characters within its tales, myths and symbols. It will then discuss the treatment of gender nonconforming people under the Islamic rule in India, both by the royalty as well as by the general society.

Ancient Hinduism regarded the knowledge of gender, sex and sexuality as crucial to erudition and began interpolating these concepts into its liturgy around the early Vedic period (1500–1200 BCE) (see footnote 3 on page 2). With regard to the nature of *Samsara* (the world), the Rigveda states, *Vikruti Evam Prakriti* i.e. what appears to be unnatural or perverse is also part of nature. The *Sushruta Samhita* (the ancient Hindu text on medicine), composed around 1500-1000 BCE, discusses androgyny in detail and considers androgynous people as part of the 'natural order' i.e. part of nature and human biology (Pattanaik, 2014). Moreover, the Kama Sutra, composed between 400 BCE and 200 BCE, explicitly describes sexual acts between men, women and the *Tritiya Prakriti* (the third nature). The Hindu deities exist in inordinately diverse expressions, such as androgynous and trigender forms, as well as some who alternate between the male and the female. The multiple gender forms and same sex eroticisms are not merely cited in rarefied texts that can only be approached by a select few who can read and interpret them but are quite accessible to the wider public in the form of carvings on Hindu temples, including the Khajuraho Temple in Madhya Pradesh and the Sun Temple in Konark.

In ancient Hinduism, the universe was seen as, 'boundlessly various, and…that all possibilities may exist without excluding each other' (O'Flaherty, 1973, p.318). The Hindu intelligentsia relied on the Vedic concepts of *atma* (soul) and *prakriti* (nature) to make sense of the world around them and formulate the laws that govern Hindu family, society, life, birth and death. They saw gender purely in corporeal terms i.e. bestowed by one's flesh, and deemed *atma* to be formless, featureless and genderless. The belief that male and female were abstract poles on a continuum of gender identities was fundamental to the Hindu religious order, which subsequently permeated into the social lives of the populace. The two poles, the male and the female, represented the two most common gender identities, but by no means the only ones.

[10] Islamic conquests in the Indian subcontinent mainly took place from the 10th to the 16th centuries. The subcontinent was first invaded by Mahmud of Gazni in 10th century AD and subsequently ruled by the Ghurid Empire (1011 AD –1035 AD) that laid the foundation of Muslim rule in India, the Khilji dynasty (1290 AD–1320 AD) and the Mughals (between 16th and 19th centuries).

Crucially, Vedic Hinduism considered 'culture' as an artificial imposition on *prakriti* or nature, and therefore any embodiment or act deemed 'perverse' or 'unnatural' by society were considered 'natural' and 'acceptable' within the ambit of *prakriti* (Pattanaik, 2014, p.9).

The Karmic philosophy[11] of Hinduism professed that the cycle of birth, death and rebirth were determined by one's past actions and decisions. Within its purview, one's gender and sexuality proceeded from their *karma* from past lives and a deviance from the norm was not necessarily seen as a character or moral flaw in the current life. The Karmic manifestation of an individual in different gender/sex forms in different lives fits squarely with the concept of sex/gender pluralism, as does the identity of the hijra (Monro, 2010, p.247). The Hindu concept of *svadharm* (following one's own faith) gave people the freedom to follow their own gender and sexual paths, even if they were at variance with the prevailing cultural norms (Nanda, 1993, p.395). This was quite different from Christian theology and philosophy that supported the existence of one and only one life and placed the responsibility of 'proper' conduct on the individual (Pattanaik, 2014). Esoteric sects that were a part of early Hinduism gave expression to gender fluidity through gender altering practices, rituals and artistic expressions. The *Tritiya Prakriti* (the third sex/gender) is a significant and recurring motif in the Tantric sect which considers Lord Shiva's avatar *Ardhnareshwar* (half man, half woman) to be the ultimate God. The imagery of an all-powerful, gender nonconforming God in Hindu mythology provides historical and religious legacy to contemporary gender nonconforming people by enabling them to trace their descendance and credit their supernatural powers to Shiva (Hiltebeitel, 1980; Nanda, 1999). In present times, hijras often employ elements of Tantrism[12] such as cross-dressing, burlesque performances and transcendental worship in their ceremonial performances. According to Bullough (1976, as cited in Nanda, 1993, p.377), these rituals offer an alternative means of experiencing womanhood, spiritual gratification and salvation to the hijras.

Indian epics, mythology and classical tales do not merely mention gender fluid characters in everyday contexts but recognise and valorise their acts of bravery in battle settings (Nanda,

[11] The Karmic philosophy believes that the universe is governed by a divine causal law though which good or bad actions determine the future modes of an individual's existence.

[12] *Tantrism* in Hinduism and Buddhism developed in the 1st millennium CE and refers to the 'wrapping,' or 'weaving' of esoteric texts, theories and philosophies.

1993, p. 377). In the Mahābhārata[13], for example, there are multiple references to androgynous humans and gods, but the characters of Shikhandi and Arjuna perhaps enjoy the highest recall. Shikhandi was a gender fluid character in the Mahābhārata and a member of the protagonist clan, Pandavas. Her aim in life was to seek revenge against Bhishma, who was a prominent member of the antagonist clan, Kauravas, and who had separated her from her lover in her previous life. In the epic battle between the two rival clans, Bhishma refused to fight Shikhandi, whom he considered a woman. His decision to desist from fighting a 'defenceless woman' ultimately caused him to succumb to the devastating volley of arrows from Shikhandi. Bhishma's death marked a watershed moment in the epic tale as it turned the battle in favour of the protagonist clan – the Pandavas, and restored *dharma* (righteousness) at the end of the epic (Boxi, 2018). In yet another famous myth, the most brave and powerful warrior of the Pandava clan, Arjuna, transformed himself into an androgynous character named Brihannada and spent a part of his exile at King Virata's Matsya Kingdom (Hiltebeitel, 1980; Sharma, 1984; Nanda, 1999). His androgyny was the result of a spell put on him by an *apsara* (a female dancer) named Urvashi whom he had insulted earlier in life. As Brihannada, Arjuna forged many female friendships in the Matsya Kingdom and remained sheltered and protected from the enemy clan (Nanda, 2003). These two examples suggest that Hindu mythology not only includes gender nonconforming characters but also presents them as heroic and powerful people. In the first instance, Shikhandi used her blessing to turn the battle in favour of the Pandavas and restore *dharma* or righteousness. In the second instance, Arjuna turned his curse into a blessing by using his feminised body as a disguise, thereby protecting himself and his brothers from the enemy clan. Both tales provide context to why gender and sexual nonconforming people place so much value on their communal legacy and why the heroic acts performed by nonconforming characters in the epics contribute to their confidence and a feeling of having strong roots in the region's history and culture.

According to some scholars, Islam acknowledges the hijras and gives them the same rights as gender conforming men and women (Swakat, 2016). For this reason, hijras held important positions in Islamic religious and social institutions during the medieval times. During the

[13]The Mahābhārata is one of the two major epics of ancient India. It narrates the struggle between two groups of cousins in a war and the fates of the princes involved.

Mughal era (1526-1761 AD), hijras were considered 'divine beings,' and were in good standing with the royals, enjoying their support and patronage (Punekar and Rao, 1962; Tambe, 2009). Due to their elevated status both in religion and society, they took part in running the state machinery and had a say in the proceedings of the royal courts, serving as political advisers, administrators, generals and guardians to the kings, chiefs and nobles (Tougher 2002, p.143). Historical records suggest the Mughal kings trusted the hijras even within their private sphere and often enlisted their assistance in guarding the women and children of the harems during warfare (Poston, 1983; Nanda 1990). This stemmed from the strong belief that hijras could provide protection to the women and keep them company without exploiting them (Punekar and Rao, 1962; Tambe, 2009).

Based on the analysis of ancient Indian texts and mythologies by scholars such as Nanda (1990), Vanita and Kidwai (2000), and Pattanaik (2014), it can be ascertained with a reasonable degree of certainty that early Hinduism and Islam were more tolerant and accepting of variations in gender and, to some extent, sexuality, than their modern forms. In modern India, masculinity and femininity are seen as complementary opposites. This binary model is mainly predicated on the justification that males and females have complimentary embodiments, temperaments and roles in marriage, sexual relations and procreation. Since same-sex relationships and gender nonconformance do not fit squarely into this model, they are perceived as a disturbance to the natural order of things. Various scholars link homophobia and transphobia in present-day India to colonialism and a set of Victorian laws passed in the second half of the 19$^{th}$ century (Basheer et al., 2009; Sheikh, 2013; Sheikh and Narrain, 2013; Dutta, 2014). The next section will discuss imperial jurisprudence in India and how to this day it shapes the private lives of millions of gender and sex diverse people.

***Colonial Period***

The advent of colonial rule marks a moment of disruption in the political, economic, socio-cultural, and legal dimensions of Indian life (Cohn, 1996; Dirks, 2001; Inden, 1992). The extension of European modes of governance into the everyday life of Indians sparked a dynamic change in societal understandings of religion and spirituality, social and familial relationships, and notions around gender and sexuality. In stark contrast with ancient and medieval times, the colonial period, extending for about 200 years (1750s-1947), saw a repression of the multiple genders and sexualities that were part of Indian society and a

narrowing of the understanding of what constituted 'normal,' 'moral' and 'legal' within its ambit (Vanita and Kidwai, 2000; Pattanaik, 2014; Dutta, 2014).

Many scholars argue that the implementation of British laws and morality in India through the 19th and 20th centuries undermined the country's rich tradition of recognising and celebrating nonconforming genders and sexualities (Baset, 2012; Bubb, 2009). This subsection explores the origins of the following two colonial laws and their implications for nonconforming identities in the subcontinent:

- Section 377 (1860) of the Indian Penal Code (IPC) or what is popularly known as India's 'anti-sodomy' law which deemed non-procreative, penetrative sexual acts against the 'order of nature'.
- The Criminal Tribes Act (1871) which deemed certain tribes, including the gender nonconforming hijras, to be of 'criminal' nature.

The Indian Penal Code, which came into effect in 1860, was largely a compilation of the then existing British laws. The overarching aim of the code was to make Indian standards of morality, crime and justice commensurate with those in Britain at the time. Section 377 of the IPC derives its origin from the Buggery Act which was passed by the Parliament of England in 1533 under Henry VIII's reign and was re-enacted in 1563 by Queen Elizabeth I. It was the first law in England that brought the offence of sodomy from the domain of the ecclesiastical courts to that of the state. The law defined 'buggery' as an 'unnatural sexual act' and included anal penetration and bestiality under its ambit (Weeks, 2018, p.103)[14].

The law was premised on Biblical morality which conceived of sex purely on functional terms i.e. for procreative reasons (Grosclaude, 2016). It pivoted on the notion that non-procreative sexual acts went against the 'will of God and Man,' and therefore partaking in them was a sign of moral weakness and an act of insubordination against the Church (Grosclaude, 2016). Crucially, the state imposed capital punishment on those who indulged in such acts, taking a legal path to solve what it perceived as a moral and religious failure (Hinchy, 2017, 2019). In 1828, the Buggery Act was supplanted by the Offences against the Person Act (1828). The new

[14] Historically, buggery was linked to specific sexual acts and not to a type of person (Foucault, 1975; Weeks, 2018). These acts included intercourse *per annum* by a man with a man or woman, or intercourse *per annum* or *per vaginam* by either a man or a woman with an animal (Smith and Hogan, 2005)

act set out to broaden the definition of unnatural sexual acts to allow for easier prosecution of alleged rapists.[15]

Section 377 of the Indian Penal Code was drafted by Thomas Macaulay around 1838 but came into effect only in 1861 in the aftermath of the Revolt of 1857[16]. It was modelled on the Buggery Act of Britain that criminalised sexual acts that appeared 'unnatural' and 'immoral' as per the prevailing religious and moral standards (see, for example, Narrain, 2004; Narrain and Bhan, 2005; Narrain, 2009; Sheikh, 2008, 2013; Sheikh and Narrain, 2013). Chapter XVI of the IPC, Section 377 states the following:

> 377. Unnatural offences — Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.
>
> Explanation — Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

Section 377 does not elaborate on what the 'order of nature' is, nor does it offer an objective understanding of what constitutes 'natural' or 'unnatural'. The explanation to the section states that penetration amounts to carnal intercourse that goes against 'nature's order'. Based on this, sodomy and bestiality have each been interpreted as an 'unnatural offence' by the criminal justice system. Crucially, the issue of consent has largely been immaterial to the section and the party consenting to an 'unnatural offence' is held equally liable as the abettor.

Throughout the history of Section 377, 'nature's order' has been interpreted in many different ways by the judiciary. In most cases, sex has been understood in terms of its functionality i.e. procreation. By extension, any sexual act that is not geared towards the 'intended' outcome of procreation has been deemed 'unnatural' (Gruen and Panichas, 1997). In the much-cited 1914 case of Khanu v Emperor[17] it was held that 'the natural object of carnal intercourse is that there should be the possibility of conception of human beings, which in the case of *coitus per os* is impossible'. The judgement intended to 'criminalise forms of sex which were penetrative, and

[15] Regrettably, however, the state continued to classify non-procreative sex as against the 'will of God and Man' and use the law as an instrument of apprehension and punishment of homosexuals in Britain (Weeks, 2018).
[16] The Revolt of 1857, also known as the First War of Independence, was a wide-ranging but unsuccessful military uprising against British rule in India.
[17] Khanu v. Emperor, AIR 1925 Sind 286.

which did not result in procreation' (Narrain, 2008) and formed the precedent for all future judicial decisions with regards to love and sex between same sex couples. In the subsequent years, the courts have applied Section 377 in a broad variety of situations including oral sex and intercourse between thighs and folded palms[18]. This resulted in the suppression of same-sex love and intimacy in the country for the next 150 years, long after the British left India. The arbitrary application of the law and its 'flagrant misuse' by the police force may have violated the human rights of millions LGBT people in the country (Naik, 2017; Puri, 2016).

Having established the legal code of sexuality in India, the British administration proceeded to define the configurations, contours and roles of gender. The motivation to regulate gender stemmed from the Imperial desire to govern the public (bureaucracy, public buildings and offices) and private spheres (marriage, family life, and monogamy) of the colony. According to Hinchy (2014), masculinity was a central theme running across various colonial projects of the British Empire, in which British men were considered to be the 'masculine ideal' and colonised men were deemed 'inferior'. Furthermore, the British differentiated between colonised men using a hierarchy of manliness wherein 'martial tribes' such as Sikhs, Pathans and Muslim men were held in higher regard than 'effeminate races' such as Bengalis (Sinha, 1995, p.1). The relational construction of masculinities was reflected in colonial law and policy making, which had profound implications for the hijras, whose bodies and lives controverted British notions of gender (Sinha, 1995; Hinchy, 2014).

Hijras' emasculated bodies and cultural performances were considered 'dangerous' by the colonial government for a number of reasons. Firstly, as Levine (2003) argues, the colonial government made a clear demarcation between public and private spaces. The public space was considered to be a distinctly masculine space and the private domain was considered feminine, where, as I discussed in the previous section, women's bodies and sexualities could be policed and sheltered away from men (Levine, 2003, p. 308). The presence of emasculated bodies in a predominantly 'male' public space disrupted the spatial divide between the masculine and the feminine. Secondly, colonial administrators viewed hijra performances as overt displays of lust and sexuality rather than interpreting them from a socio-cultural perspective (Griffin, 1870, as cited in Hinchy, 2014, p.281). They feared that the 'obscene

[18] The law has mostly been used against men due to their visibility in public spaces. I have discussed the uneven application of Section 377 across gender lines in Chapter Six.

songs and lascivious movements' (Wise, 1883, as cited in Hinchy, 2014, p.281) of the hijras might result in the 'spread' of sodomy among men (Hobart, 1882; Drummond, 1865b, as cited in Hinchy, 2014, p.281). Thirdly, the British thought of the 'effete' and 'debauched' culture of the natives as an ideal milieu for morally deviant groups such as the hijras to flourish (Elliot, 1871b; Robertson, 1866, as cited in Hinchy, 2017, p.282). The colonial propaganda that portrayed Indian men as being particularly susceptible to arousal by hijras overrode hijras' pre-colonial status as spiritual, asexual people and confirmed imperial notions of racial differences on which the Empire was founded (Hinchy, 2014, p.282). The hysteria around hijras' public performances was based on the colonial belief that they could somehow inject 'sexual vices' and 'effeminacy' into colonial spaces and undermine British masculinity. Lastly, following the Revolt of 1857, the British had been particularly concerned with the uncontrolled movement of populations across porous administrative borders (Sinha, 2008). Officials were highly suspicious of individuals and groups that had a non-sedentary or wandering lifestyle such as the hijras and various nomadic tribes. Hijras' mobility in public spaces and border-crossing between administrative jurisdictions for alms-collection was a cause for concern for many officials who associated migration with criminality and sedition.

The laws that were aimed at regulating gender coincided, to a large extent, with those that were aimed at reining in fringe, peripatetic groups that were perceived as a threat to the Empire, including petty traders, pastoralists, hill and forest dwelling tribes and the hijras. These groups were perceived as 'intractable' and 'hereditary criminals' on the ground that they did not conform to the colonial idea of 'civilised' living, which involved waged labour and monogamous family life (Nigam, 1990). The hijras were a particular focus of the colonial misgivings about the Empire's future in the subcontinent as hijras' performances contravened colonial sensibilities of public decorum and their nomadic lifestyle made it difficult for the administrators to enumerate and manage their 'tribe' (Hinchy, 2014).

Colonial accounts describe in detail hijras' 'clamorous presence', their 'overtly sexual' dances and their 'wandering habits'. In order to put an end to such behavior, the British government passed the Criminal Tribes Act of 1871 (the CTA henceforth) in the provinces of Punjab, Oudh and the North Western Provinces. The CTA defined hijras as 'all persons of the male sex who admit themselves or on medical inspection clearly appear to be impotent' (Government of India, 1871, as cited in Hinchy 2014, p.276). It classified hijras as a 'criminal tribe' and

criminalised any hijra 'who appears, dressed or ornamented like a woman, in a public street or place' or 'who dances or plays music, or takes part in any public exhibition' (Government of India, 1871, as cited in Hinchy 2014, p. 276).

More significantly, the CTA highlighted the 'criminal tendencies' displayed by 'eunuchs[19]' such as child kidnapping and forced castration and ordered local governments to maintain a registry of the names and personal details of those hijras who were suspected of these crimes. The punishment for such activities was up to two years imprisonment and/or a fine (Hinchy, 2014, p. 276). By categorising the hijras as 'habitual criminals' the administration was able to justify their increased surveillance of gender nonconforming people (Hinchy, 2014, p. 287). The short-term goal of the CTA was to put a ban on hijras' public performances on the grounds that they were 'abominable' and 'breached the laws of public decency' (Preston, 1987, p. 372). In the long run, however, the aim of the CTA was to efface hijras from the social milieu through the prevention of emasculation, cross-dressing and public performances, which would cause them to 'die out' (Elliot, 1871a; Simson, 1865, as cited in Hinchy, 2014, p.276).

**Sexuality, Activism and Political Expression in Contemporary Times**

Not much has been documented about gender and sexual minorities from the time of India's independence until the 1980s when the dreaded HIV virus had reached the country's shores. The growing number of HIV cases among these minorities created a moral panic around their lifestyles and sexuality, consequently, they were made a scapegoat for the epidemic in popular discourse (Kotiswaran, 2001). Furthermore, the government at the time stalled HIV/AIDS research and outreach by keeping a lid on the federal budget, disavowing manifold identities and collectives that were vulnerable to the disease (Bhaskaran, 2004). All these factors combined led high risk groups to take matters into their own hands and work for the welfare of their 'community' (Azad et al., 2016). They believed that stopping the spread of the virus would require changing people's mindsets as well as the oppressive laws that render them at a greater risk for contracting the virus. In the late 80s and 90s, hijras, Intravenous Drug Users (IDUs) and Female Sex Workers (FSWs) came together in places like Delhi, Mumbai, Chennai and

[19] Although most colonial accounts refer to the hijras as 'eunuchs', the postcolonial Indian state does not recognise them as such.

Kolkata and mobilised strongly as a unit to redress their shared problems of stigma, poverty and vulnerability to HIV (see, for example, Bhaskaran, 2004; Dutta, 2013). In the subsequent years, their movement drew international attention and garnered support from various national and international organisations, such as the World Bank, UNAIDS, UNESCO and the Indian ministry of Health (Bhaskaran, 2004). The efforts of these groups came to fruition in 1992 when the National AIDS Control Organisation (NACO) was founded by the Ministry of Health and Family Welfare, which is now the principal organisation responsible for formulating and implementing policies for the prevention and control of HIV/AIDS in India. Since then, around 200 community-based organisations (CBOs) have been established that work closely with donor organisations (primarily International AIDS Society, Global Fund, and Elton John AIDS Foundation) for the welfare of vulnerable groups.

Lakkimsetti (2016) notes that transnational HIV/AIDS coalitions have opened new lines of discussions and debates around LGBT issues and spearheaded major policy shifts in the global south. In India's case, LGBT activists have challenged oppressive laws such as Section 377 of the IPC by working with transnational organisations and invoking and contextualising transnational rights discourses e.g. the International Gay and Lesbian Human Rights Commission (IGLHRC), The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) and the Yogyakarta Principles[20] (Povinelli and Chauncey, 1999; Grewal and Kaplan, 2001; Blackwood, 2005; and Kim-Puri, 2005).

The effort to repeal Section 377 and fight the spectre of homophobia brought on by it was initiated by *AIDS Bhedbhav Virodhi Andolan* (AIDS Anti-Discrimination Movement) in 1991. Their historic publication *Less than Gay: A Citizen's Report*, expounded the oppressive nature of Section 377 and demanded its rescission. At the time, some hijras voiced their neutrality on the subject as they believed that the law had little relevance in their everyday interactions with the police force (Khanna, 2014). This changed quickly in the early 2000s when incidences of police brutality against the hijras began rising as well as law enforcement officers justifying their use of force through Section 377. This created a greater demand for knowledge on criminality and legal rights linked to intimacies between same sex individuals. In other words,

[20] The Yogyakarta Principles apply international human rights law to redress human rights violations based on sexual orientation and gender identity (SOGI).

it was argued that the relationship between working class gender and sexual minorities and the police had now 'juridified' (Khanna, 2014, p. 10).

The misuse of Section 377 was brought into sharp focus in 2001 when outreach workers from a transnational NGO, Naz Foundation International (NFI), were arrested by the Lucknow police while they were disseminating condoms to gender and sexual minorities near the railway station. The police made claims of cracking down on a 'gay sex racket' and invoked the Victorian law to justify these arrests. This incident brought to light the harassment faced by gays, MSM, and TGs at the hands of the police and sparked outrage across activist networks. Following this incident, the Naz Foundation filed a Public Interest Litigation (PIL) in the Delhi Hight Court (HC) demanding the revocation of Section 377 on the grounds of it being unconstitutional. In subsequent years, organisations such as National AIDS Control Organisation (NACO) and Voices against HIV added their voices and resources to the PIL, asking that the law be 'read down' to exclude adult consensual sex from its purview. On 2 July 2009, the Delhi High Court presided by Chief justice Ajit Prakash Shah and Justice S. Murlidhar declared Section 377 unconstitutional with regard to sex between consenting adults in private. The judgement, however, did not interfere with parts of the law that prohibited non-consensual intercourse and intercourse with minors.

The judges invoked Article 14, 15 and 21 of the Indian constitution and presented four reasons that formed the basis of their decision to 'read down' Section 377. Firstly, they held that the law was inconsistent with the right to equality enshrined in Article 14 of the Constitution, as it singled out and targeted minority subjects on the private matters of sex. Secondly, they maintained that it violated Article 15 that forbids discrimination based on religion, race, caste, sex, place of birth. In doing so, Justice Shah and Justice Murlidhar broadened the scope of 'sex' to account for discrimination based on sexual orientation. Thirdly, they stated that Section 377 interfered with the right to dignity and privacy implied within right to life and liberty guaranteed under Article 21. And finally, they noted that it endangered public health and safety guaranteed under Article 21 by impeding HIV-prevention efforts and the LGBT community's access to healthcare (NALSA judgement, 2014).

The Naz judgement was hailed as a 'landmark judgement' and celebrated across LGBT platforms in India and all over the world. It generated a feeding frenzy of media coverage and television channels ran it as the top story in the ensuing days, dovetailing vibrant images of the

recently held Pride marches in different cities. Queer activist and author, Gautam Bhan said on television that evening, 'The terms of the debate have been reset; we will now speak as full citizens' (Boyce, 2011). Moreover, Akshay Khanna in his 2014 article[21] referred to it as 'the day when we finally became free'. National newspapers referred to the moment as India's 'entry into the 21st Century,' even as religious figures across the board disapproved of the verdict. Having experienced 'freedom' and 'full citizenship,' it appeared that from here on, there was 'no going back' for LGBT people (Khanna, 2014, p. 6). However, as it turned out, their journey to full citizenship had not yet arrived at the fruitful culmination they had hoped for.

In early 2013, a Delhi-based astrologer, Suresh Kumar Koushal filed a PIL in the Supreme Court demanding the reinstatement of Section 377 as, according to him, the High Court verdict went against the 'Indian culture'. After a series of hearings, on 12 December 2013, in what is known as Suresh Kumar Koushal v. Naz Foundation and others, the Supreme Court of India presided by G. S. Singhvi and S. J. Mukhopadhaya overturned the High Court judgement and reinstated Section 377 of the IPC. This, in effect, recriminalised consensual sex between same-sex individuals. The judges stated that only 'a miniscule fraction of the country's population constitutes lesbians, gays, bisexuals or transgenders' and that the High Court had erroneously relied upon international precedents 'in its anxiety to protect the so-called rights of LGBT persons'. Moreover, they maintained that the rather complex issue of LGBT rights should be left to the legislature, not the judiciary. This decision sent shockwaves across the nation and triggered a sense of disillusionment among many LGBT people, prompting various national and international support groups to raise their voices against it (Khanna, 2014).

This verdict went against the very idea of India as recognised by the Constitution for two main reasons. Firstly, using an 'LGBT' framework, the court summarily deduced that the people who were affected by Section 377 constituted a 'miniscule minority' of the country's population. In doing so, it filtered out swathes of gender and sexual nonconformists who did not identify using the letters of the acronym. As Pattanaik (2014) argues, gender and sexual

[21] Putting the Law in its Place: Analyses of recent developments in law relating to same-sex desire in India and Uganda.

nonconformance in India are experienced, talked about and performed in diverse ways that do not map neatly onto the LGBT framework. Secondly, and more significantly, it meant the rights and interests of this 'miniscule minority' were subject to the will of the majority. Such a notion is violative of the fundamental rights guaranteed by the Indian Constitution which serve to protect the rights of the minority even if they go against the wishes of the majority. The role of the court in this regard is to make sure that the law in force is in line with the fundamental rights of minority citizens. Despite its failings, there was something powerful contained in this decidedly 'anachronistic' verdict as it brought into focus the potential and limits of seeking justice solely and expressly through the law (Khanna, 2014). Having come to terms with the limits of the law, LGBT activists were now prompted to carry out their activism in the domain of politics – both formal as well as what Pratha Chatterjee (2008) calls 'political society[22]'. The court had already initiated the process by passing the buck to the parliament. The verdict had thus initiated a paradigm shift whereby activists and community leaders began challenging the centrality of judicial methods and institutions in rendering justice to gender and sexual minorities. (Khanna, 2014). During this time, activists 'learnt the ropes of formal political struggle and organising' by engaging meaningfully with a range of private and public actors from socio-economic and political systems (Khanna, 2014, p.18). Moreover, the extensive media coverage of the verdict brought to light the problems faced by gender and sexual minorities to the wider public and made Section 377 of the IPC a household topic. In the days following the verdict, several mainline political parties – the Indian National Congress, the Aam Admi Party (AAP) and the left-of-centre communist parties made public statements condemning the Supreme Court's decision to overrule the High Court judgement.

On 24 August 2017, a ray of hope emerged for the movement when a nine-judge Supreme Court bench unanimously held that 'the right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21 and as a part of the freedoms guaranteed by Part III of the Constitution' (Right to Privacy verdict, 2017, p.3). The judgement was called, *'Justice K. S. Puttaswamy (Retd.) and Anr. vs Union of India And Ors'* and it acknowledged

[22] Chatterjee makes a distinction between 'civil society' of the west and 'political society' of post-colonial societies, tracing the latter's provenance to people's experiences with colonialism and their will to survive born out of it. According to him, since the majority of the people in the post-colonial states do not have access to 'basic material and cultural prerequisites of membership of civil society,' they form 'communities' which become some of the 'most active agents of political practice' (Mannathukkaren, 2010, p.297). Chatterjee considers political society to be far more potent than civil society in 'making things happen' and 'taking care of its survival needs' even though, by the reckoning of many, its members are 'subaltern' and 'voiceless' (El Bernoussi, 2014, p.134).

LGBT people's sexual rights and privacy standards and went on to set a precedent for the future handling of Section 377. Following this judgement, in early 2018, five individuals – dancer Navtej Singh Johar, journalist Sunil Mehra and chef Ritu Dalmia, hoteliers Aman Nath and Keshav Suri and businesswoman Ayesha Kapur – filed a writ petition in the Supreme Court challenging the constitutionality of Section 377, thus setting in motion another attempt at revoking the archaic law. They insisted that the Section had affected them personally by infringing upon their public and private lives. In response to the mounting pressure from various national and international groups, the Supreme Court decided to revisit their 2013 decision and set up a 5-judge bench to preside over the case. The long-overdue justice for millions of gender and sexual minorities finally came on 6 September 2018 when the court overturned its 2013 judgement and decriminalised consensual sex between same sex adults[23]. This decision came a year after my fieldwork and therefore its impacts could not be explored at the time. Participants' responses to questions relating to Section 377 were based on the then existing legal guidelines which deemed their sexuality a 'criminal offence'. The *Navtej Singh Johar v. Union of India, 2018* verdict has dramatically changed the political and legal landscape with regard to LGBT rights. Future studies should therefore aim to explore its impacts on the personal and public lives of hijras, TG and MSM.

### *The NALSA judgement (2014) and the Transgender Persons (Protection of Rights) Bill (2016)*

So far, I have traced the legal arc of Section 377 and its impacts on the sexual and private lives of MSM, TG and hijras. In this section, I will discuss in detail the two legal reforms passed by the Indian government in recent years to uplift the socio-economic status of transgender people, namely the NALSA judgement (2014) and the Transgender Persons (Protection of Rights) Bill (2016). On January 2013, the Ministry of Social Justice and Empowerment (MSJE) presented a report on 'issues relating to transgender persons' drafted by an 'expert committee' which was constituted after consultations with representatives from the 'transgender community'[24] (Dutta, 2014). On 15 April 2014, after hearing the petition filed by the National Legal Services Authority (NALSA), the Supreme Court of India passed a landmark judgement on transgender

[23] *Navtej Singh Johar v. Union of India, 2018*
[24] This included renowned hijra activist Laxmi Narayan Tripathi, as well as Seema and Arya both of whom participated in this study.

rights. The court acknowledged the right of every human being to self-determine their gender and gave transgender people the 'third gender' legal status. Moreover, it held that discrimination based on gender identity violates constitutionally guaranteed rights to equality, freedom of expression, privacy, autonomy and dignity. The ruling guaranteed protection of the fundamental rights of transgender people, giving them access to affirmative action in employment and education. Justice K. S. Radhakrishnan stated in his ruling that legal recognition of transgender people as the third gender is 'not a social or medical issue but a human rights issue'.

In the absence of suitable precedent on this matter, the Supreme Court recommended that the government recognise and follow the Yogyakarta Principles for protecting the rights of transgender people (see Correa and Muntarbhorn, 2007). While the institutional recognition of transgender people is certainly a laudable feat, scholars have pointed to a number of drawbacks to the verdict. Firstly, the judgement vacillates between a broad definition of 'transgender' as an 'umbrella term' for an array of gender/sex fluid identities, and a more restricted definition that only includes 'trans-woman identities' (Dutta and Roy, 2014). This contradiction has led to an unevenness in the interpretation and implementation of the judgement. Where the term 'transgender' has been interpreted through its narrow definition, a clear-cut distinction can be made between 'transgender' and other sex/gender fluid persons (Sarkar and Hazra, 2010, p.5). Within this framework, swathes of gender/sex fluid individuals who do not necessarily identify as 'transgender' may be rendered unintelligible to the law and excluded from its welfare provisions (Dutta, 2014). Secondly, the judgement has, so far, been ambivalent about whether or not to grant self-determination of gender identity to transgender people i.e. the ability to determine one's own legal gender without having to meet certain standards, such as surgical transformation. Thirdly, the judgement does not adequately address trans masculine people and their concerns (Semmalar , 2014). Finally, the timing of its passage does not bode well for the relationship between gays and transgenders. Being passed close on the heels of the Supreme Court's reinstatement of Section 377, the judgement has sparked 'crucial questions of representation, of relative privilege and of the diversity of the experiences of differently located Queer folk vis-a-vis the law' (Khanna, 2014).

The Rights of Transgender Persons Bill was introduced in the Parliament in 2014 by MP Tiruchi Siva and has since undergone several rounds of revisions. After undergoing the first

round of revisions the Bill was presented as the Transgender Persons (Protection of Rights) Bill in 2016. It was subsequently revised by the Standing Committee on Social Justice and Empowerment in its 43rd Report in July 2017 and presented as the Transgender Persons (Protection of Rights) Bill of 2018. The Bill was passed by the Lok Sabha on 5 August 2019 and subsequently by the Rajya Sabha on the Constitution Day of India, 26 November 2019, making it an Act. Despite its claims to protect transgender citizens, the bill has evoked the following concerns among transgender people:

- The 2016 draft of the bill (which was the existing draft at the time of the fieldwork) defines a transgender person in the following words:

> "transgender person" means a person who is— (A) neither wholly female nor wholly male; or (B) a combination of female or male; or (C) neither female nor male; and whose sense of gender does not match with the gender assigned to that person at the time of birth, and includes trans-men and trans-women, persons with intersex variations and gender queers. A person recognised as transgender shall have a right to self-perceived gender identity
>
> i. on the receipt of an application under section 5, the District Magistrate shall refer such application to the District Screening Committee to be constituted by the appropriate Government for the purpose of recognition of transgender persons
> ii. the District Magistrate shall, on receipt of an application, and on the recommendation made by the District Screening Committee, issue a certificate indicating change in gender in such form and manner and within such time, as may be prescribed.

  The parliament's decision to entrust a committee of gatekeepers with the right to determine someone's gender identity contravenes the NALSA verdict and the earlier versions of the bill. It takes away from people their right to self-identity and particularly affects pre-op/non-op, gender fluid, gender neutral, and intersex persons. Dutta (2014, p. 227) argues that the bill's active endorsement of Sexual Reassignment Surgery (SRS) 'draws from and feeds into biological essentialism, that is, the reliance on biological or physical attributes (such as genitalia or hormones) that are positioned as 'essences' of gender.
- The Bill does not give due recognition to the hijra practices of *'badhai'* and *'toli*[25]*'* and likens them to the act of begging (Saria, 2019).

[25] *Toli* and *badhai* refer to hijras' ceremonial performances at births and weddings where they dance, sing, and tease the audience. At the end of their performance, hijras are paid a sum of money.

- It does not offer clear guidelines on the management of health and psychological wellbeing of transgender people such as proving free SRS and counselling at government hospitals (Mogli, 2016).
- The NALSA judgement had placed transgender people in the 'Other Backward Class' (OBC) category[26], and had clarified that, if a transgender candidate hailed from a 'Scheduled Caste' (SC) or 'Scheduled Tribe' (ST)[27] background, they were eligible to avail affirmative action and protections on account of being both SC/ST and transgender. Regrettably, the Bill does not make a distinction between a regular transgender person and a transgender person from an SC/ST background, placing them all under the overarching category of OBC (Aziz and Azhar, 2019).
- The Bill does not sufficiently address stigma and discrimination faced by transgender people at educational institutions, workplaces, at the hands of family and the police. Consequently, it fails to provide realistic and effective means of redressing such violence.

These critiques will be discussed in more detail in Chapter Six where I have analysed participants' reactions, emotions and experiences with the legal reforms.

**Chapter Outlines**

This introductory chapter has provided an overview of the historical and legal context of my research, including the regional context within which the research took place, the structure and functions of hijra *gharanas*, the historical backgrounds of gender and sexual nonconforming identities in India, and their contemporary politics. This final section offers a summary of each chapter.

Chapter Two reviews a broad range of literature that this research has drawn on and undertakes the critical task of constructing a conceptual framework for the thesis. It begins by providing a substantive understanding of the extant literature on the hijras by critically examining works

[26] The Government of India uses 'Other Backward Class' (OBC) as a collective term to classify castes that are socially and economically disadvantaged as a result of centuries of caste apartheid in the country.
[27] As per the Indian constitution, the Scheduled Castes (SCs) and Scheduled Tribes (STs) are officially designated groups of historically disadvantaged people in India (Census of India, 2011). The Indian state gives more extensive welfare provisions and reserved positions to STs and SCs than to the OBCs. Therefore, by being placed in the 'OBC' category, SC and ST transgender people lose out on the benefits they would have been able to avail on the basis of their highly marginalised caste status.

from the late 18th century to the present time. Following that, it offers an exposition of scholarly writings on gender and sexuality and the relationship between the two concepts. A final section of the literature review addresses the broader context of stigma within which TGs, hijras and MSM find themselves.

Chapter Three discusses the methodology and methods employed in carrying out this research, the research design, the sample, issues around access and gatekeepers, ethical considerations and issues faced in translations, and finishes with data analysis.

Chapter Four explores how gender nonconforming people's various understandings and expressions of the self are shaped by their interactions with a range of social actors, including their peers, HIV stakeholders, and the wider society. Using a social constructivist approach, it argues that to a large extent participants' 'identities' are multiple, unfixed and provisional. The chapter is divided into two sections. The first section explores the multiple meanings assigned to the identity categories, 'hijra' and 'TG', by research participants. It examines how using discourses on respectability and empowerment, TG participants outline their distance and differences from the hijras. The second section explores how participants in this study pick up on various cues and contingencies to 'perform' or 'practice' roles most appropriate to a particular social context.

Chapter Five explores the different ways in which participants articulated their idea of community and the degree to which they were drawn to that idea. It is divided into two parts. Focussing on factors such as gender, sexuality, social class, and vulnerability to HIV, the first part of the chapter explores who is inside and who is outside the participants' description of community. It argues that there is no single 'community' that takes care of all their needs but there are multiple porous communities through which participants organise their social lives. The second part of the chapter explores the varying levels of attachments participants displayed towards what they identified as their communities – from very strong ties, to strategic ties, to almost no connection to a community. Significantly, it examines what participants' uneven attachments to the idea of community might say about their symbolic capital and position in society.

Chapter Six is a critical inquiry into the complex dynamics between legal activism and bringing about an improvement in the social circumstances of gender nonconforming people. This

chapter is divided into two sections. The first part of the chapter focusses on participants' interpretation and reactions to the legal reforms discussed earlier. The second part of the chapter engages with their broad social demands in the fields of education, employment, mental health awareness and pension and housing schemes.

Chapter Seven summarises the key findings of this research. In this chapter, I will discuss how my research contributes to the knowledge of gender nonconforming identities and communities in India. It discusses the ways in which my work converges or diverges with others in the area. Lastly, it outlines the limitations of this research and proposes potential pathways for future research.

# Chapter Two: Literature Review

## Introduction

This chapter discusses the main concepts and ideas that have informed my work and undertakes the critical task of constructing a conceptual framework for the thesis. It presents a range of studies on gender and sexual non-conformance in India from the late 18th century to present times and defines and theorises the concepts of gender, sexuality and stigma. In doing so, it lays the groundwork for exploring the different modes through which gender nonconformance is experienced and expressed in modern India and their points of convergence with or divergence from hijras' past representations in academia. This chapter is divided into three sections. The first section sets out to provide an overview of scholarly writings on gender nonconforming people in India. It offers an overview of the early approaches to studying nonconforming identities, the key concepts used, the research findings, and the gaps therein. It illuminates the broader impacts of the problematic representation of GNCP in these early works and how recent academic writings have moved on, both theoretically and empirically, from those of the past. The second section of the chapter focusses on the concepts of gender and sexuality and their complex relationship. The two concepts have been explained from a social constructivist approach in which identities (including gender and sexual identities) are viewed as flexible, fluid and dynamic, and constructed through social interactions. The lives of gender nonconforming people in India are beset by stigma and discrimination, both of which have important bearings on their sense of self and social alliances. The third section of the chapter therefore situates stigma faced by TGs, hijras and MSM within Goffman's exposition of social stigma, focussing on the processes of marking, batching, distancing, and discrimination against individuals and groups. Drawing on more recent sociological work on stigma, it then engages with how stigma is produced and mediated against gender nonconforming identities through power, politics and bureaucracy. The concepts discussed in this chapter inform and deepen the research questions, offer a substantive understanding of the epistemological underpinnings and methods employed to carry out the research, and enrich the discussion and analysis in the data chapters.

**Extant Literature on Gender Nonconforming People**

The hijras of India have been elusive to the academic community in many regards; they live and work within hierarchical societies called *gharanas* that prohibit the entry of outsiders, their gender and sexuality evade Western understandings of these concepts and their customs and rituals are a mystery to many. Over the years, Indologists and anthropologists have understood the hijras using anachronistic biological schemas or Orientalised epistemologies (Agrawal, 1997; Cohen, 1995). By and large, their accounts have, knowingly or otherwise, exoticised hijras' embodiment, portrayed them as one-note characters and presented sensationalised accounts of their communal practices and rituals. The account of a British merchant, James Forbes (1780), may be the earliest European account of the hijras in India. Having been presented with the opportunity to work with a British surgeon, Forbes came across 'hermaphrodites' being employed as cooks for the Maratha[28] army. The 'hermaphrodites', he said, were required to follow the 'disgusting' practice of pairing men's accessories such as a turban with women's clothing. Like many others of that generation, Forbes' account reflected the author's prejudices against the hijras whose practices he declared as 'revolting' (Forbes 1780, as cited in Lal, 1999). In another account, a junior colonial administrator described the hijras to his superior as the 'the vilest and the most polluted of beings' whose absence was 'purchased' at any cost by a common Indian (Warden, 1827, as cited in Preston, 1986, p.67). He went on to describe hijras' ceremonial castration in the following words:

> The operation is performed in one cut [,] the whole membra is taken off and a straw is put into the whole urethra to keep it open, no means are taken for stopping the haemorrhage, no opium or other narcotics are given before the operation.

The officer further added, 'the operation is dangerous and is not uncommonly fatal' (Gazetteer IX, 1836, as cited in Preston, 1987).

In 19th century writings, hijras were often described as males who were born with some obscure 'congenital malformation' (Preston, 1987, p.382). An unsubstantiated and derogatory claim prevalent at the time about the hijras was that they perpetuated 'their kind' by kidnapping

[28] The Maratha dynasty established an empire in the 17th century that took hold of the majority of the country, particularly the western regions. The empire formally began in 1674 with the coronation of Emperor Shivaji and ended in 1818 when the British took control over the country.

children and 'creating' hermaphrodites (Hinchy, 2014). An early ethnographer, in the central provinces of India, went on to draw distinctions between a 'natural eunuch' such as *khasua* (born with a congenital genital malformation) and an 'artificial eunuch' such as a hijra[29]. The stakes behind such claims were very high – the colonial administrators had to do everything in their power to stabilise and propagate the crown rule in India. To this end, the practices of the hijras provided them with yet another instantiation of the implicit 'deviance' of the Orient. As Edward Said points out, academic inquiry and colonialism go hand in hand (Said, 1978). In the previous chapter, I discussed how the British introduced laws in India to bring the country's judiciary on a par with that of Britain at the time. Whereas for 2000 years or more, gender and sexual diversity were appreciated in India, during the colonial rule, homosexuality, or more precisely, 'sodomy', became a punishable category through the passage of Victorian laws. Woltmann (2019) is perhaps one of the few scholars to have established a link between colonial writings on the hijras and the framing of laws around their (punishable) bodies and desires. Colonial laws such as Section 377 and the Criminal Tribes Act (discussed in the previous chapter), he claims, were 'cog[s] in the wheel' of many overlapping colonial writings that rendered the hijras outside the dominant constructions of gender and sexuality and aligned them with criminality.

The mid-20th century writings about the hijras followed a similar pattern that continued 'othering' and essentialising them. The writings of Carstairs (1957, 1960) and Opler (1959, 1960), for instance, spun a hermeneutic debate where the former maintained that hijras were homosexual prostitutes and the latter that they were spiritual specialists. This debate started a trend in academic writings of the subsequent decades whereby authors typically assigned a singular character or identity to the hijras and constructed them as either 'sexual' or 'spiritual beings' (see Hossain, 2012; Patel, 2010). George Carstairs' fieldwork among the hijras revealed a general lack of sexual mores among his research subjects, as well as a preponderance of 'homosexuality' and 'prostitution' in their traditional households. He asserted that hijras' homosexuality was a reflection of an overall lack of virility and latent homosexuality in Indian men (Carstairs, 1956, as cited in Bakshi, 2004). By contrast, Morris Opler (1960, 1961, as cited

[29] My participants did not consider themselves eunuchs. In fact, as I go on to describe in Chapter Four, most of them did not think of their identities in terms of their embodiment. A few participants, however, thought that gender nonconforming people, particularly the hijras, could be *asli* or real (lacking male genitalia) or *nakli* or fake hijra (possessing male genitalia) as well as 'god gifted' (a person born with a testicular or penile 'defect') or 'artificially made' (a person who has undergone surgical castration and penectomy).

in Bakshi, 2004) presented a more sympathetic account of the hijras, one that took into consideration their precolonial heritage and customs. Opler contested both Carstairs' inference that hijras were homosexual sex workers and his assertation that Indian masculinities were somehow 'inferior' to their European counterparts. According to him, hijras were ritual specialists and their only role in Indian society was to confer blessings at birth ceremonies and weddings.

Following these insights, much of the ethnographic work on the hijras in the 1960s and 1970s placed particular importance on their bodies and sexualities, consigning them into fixed categories, such as prostitutes, homosexuals or ascetics. In his 1967 ethnographical work among hijras in Lucknow, Sinha offered an account of hijras' sexuality and argued that members join a hijra *gharana* primarily to satiate their (homo)sexual desire. Lynton and Rajan (1974, as cited in Nanda, 1986, p.231), who conducted their fieldwork in Hyderabad, suggested that in a majority of cases, a period of 'homosexual activity', involving solicitation in public places, precedes a novice's decision to join a *gharana*. In a similar vein, Freeman (1979) described hijras as 'transvestite prostitutes' who use 'women's expressions and feminine forms of address' (Freeman, 1979, p.294). In all these accounts, the 'object' of research has been constructed in a problematic way with regards to authors' singular and explicit engagement with hijras' promiscuity and their fetishisation of hijras' embodiment and lifestyle. Woltmann (2019. p.4) maintains that 20th century accounts of the hijras were essentially an extension of the colonial writings that characterised them as deviant beings – worse yet, they may have served as a substrate for future works that carried forward the tradition of focussing on their 'deviancies'. Despite the essentialist portrayal of nonconforming genders in these writings, they provide important insights into how the hijra *gharanas* may have functioned during the early 20th century. What is important, however, is that these writings be read critically and approached with the conceptual tools that are now available to readers, including post-colonialism and more recent expositions of gender and sexuality.

In the early 1990s, both sociologists and anthropologists took a keen interest in the study of non-Western sexual subjects, with ethnographic works emerging from countries such as Brazil (Kulick 1998), Tonga (Besnier 1997) and among Native American tribes (Lang 1998). More critical, and perhaps more sympathetic, anthropological writings on India's *Tritiya Prakriti*

(third sex/gender)[30] were published around the same time, as part of this growing worldwide trend. Scholars like Sharma (1989), Nanda (1990), and Morris (1994) produced rich ethnographical works on hijras' social life, occupation, customs, and rituals. Their writings offer detailed descriptions of the *gharana* structure and functions, and trace hijras' historical trajectories from precolonial times to the present era.

The works of anthropologist Serena Nanda, such as her 1986 article, *The Hijras of India: Cultural and Individual Dimensions of and Institutionalized Third Gender Role* and her 1990 book, *Neither Man nor Woman: The Hijras of India*, constitute key texts of the ethnographic writings on hijras in the 1980s and early 90s. Based on her interviews with the hijras in Bangalore and Bombay (now Mumbai), Nanda offers an account of their identity that hinges on the intersection of gender, sexuality and religion. She describes her interviewees as the *'third sex'* (Nanda, 1985, 1990, 2010) who occupy a liminal station between male and female as well as between sacred and profane. Her participants self-described themselves as 'neither man nor woman' and attributed their unique status to a loss of virility very early on in life (Nanda, 1990, p. 380). According to Nanda, hijras are 'biological men' (although a small percentage of them are 'born hermaphrodites') who sacrifice their genitalia to the cult goddess – *Bahuchara Mata* in return for the power to confer fertility on newlyweds and newborns (Nanda, 1990, preface). She maintains that this 'irrevocable renunciation of male sexuality and virility' is at the core of hijras' asceticism; therefore, hijras who are not 'born hermaphrodites' consider it their *dharma* (religious duty) to undergo emasculation (Nanda, 1990, p.382). Through her description of hijras' asceticism and prostitution, Nanda informs her readers about their dual/oppositional position in society, one that simultaneously incites scorn and earns them respect.

Despite all that it reveals about the 'liminal status' of the hijras, Nanda's ethnography does not consider the overall social milieu comprising of caste and class entanglements within which this liminality is constructed. More problematically, Nanda uses 'hijra' as an overarching category and condenses the subtle differences between her interview subjects, arguably in an attempt to make their identities legible to the reader. The term 'hijra' has pejorative

[30] Authors such as Nanda (1990) and Wilhelm (2010) have used the terms 'third sex' and 'third gender' synonymously to describe the hijras. Please see later in this chapter my discussion on gender and sexuality as relational concepts.

connotations in present times, as it did some thirty years ago when the ethnography was published, and therefore Nanda's use of the term 'hijra' in the title of her book has been considered by some authors as ethically problematic. Bose (2020), for instance, argues that the use of outgroup epithets such as 'hijra' and 'eunuch' by scholars such as Nanda has had a host of negative consequences on the representation of gender nonconforming people in academia; from perpetuating inexact terms to misrepresenting their identity politics to ignoring their humanity and personhood. Whereas these earlier works often tend to collapse various nonconforming genders, such as TG, MSM and hijra, my thesis seeks to open them up to show how participants use these terms at different times and for different purposes. People's subjectivities cannot be abstracted from the social milieu of which they are a part. Throughout the thesis, I have argued that participants' use of nonconforming categories are sometimes provisional, sometimes strategic but very rarely, non-negotiable. This research has its basis in a social constructivist model that views sexuality and gender categories as constructed through the process of making sense of a wide array of socially available cues.

Anthropologist Gayatri Reddy's book *With Respect to Sex: Negotiating Hijra Identity in South India* (2005) is another notable ethnographic account of the hijras in South India. In her introduction, Reddy discusses the fraught nature of conducting fieldwork among marginalised groups such as the hijras, rightly pointing out that the knowledge one produces may inadvertently 'expose them to violence and intimidations by the authority' (Rogers, 2007, p.244). Gender nonconforming people are placed in a precarious position in society not least because laws such as Section 377 deem them to be criminals, exposing them to blackmail at the hands of the police[31]. Reddy's fieldwork in Hyderabad sheds new light on hijras' intricate identity negotiations across various dimensions of everyday life. Her account offers a nuanced interpretation of the hijra that avoids reducing them to a singular model of identity based merely on the 'imperfection or absence of a penis' (Nanda, 1993, p.15), as is the case with Nanda's 'third sex'. Reddy interprets hijra personhood in terms of a complex framework operating across the dimensions of caste, kinship, and spatiality and not just gender and sexuality.

[31] Section 377 was valid at the time of the fieldwork. Beyond being harassed and persecuted by the authorities, some of my participants also faced stigma within their families. This research was therefore carried out with particular emphasis on participants' vulnerabilities both within their families and outside, employing strict ethical and safety guidelines prescribed by the university.

Following the work of Nanda (1990) and Reddy (2005), hijras became important inclusions within stigma research in South Asia. Scholarly writings emanating from different countries explore personal and institutional stigma faced by various gender nonconforming groups, including the *Khawajeda Siras* in Pakistan, *hijras* in Bangladesh, and *Kathoey* in Thailand. Chakrapani et al. (2007), for instance, examine forms of structural violence faced by Kotis[32]/MSM within a variety of institutional settings such as the police, healthcare, family and the wider society. Shukla (2014) looks at how stigma and discrimination restrict hijras' social participation and access to citizenship. Moreover, Chettiar (2015) draws attention to the harassment faced by hijras at the hands of law enforcement officials and healthcare workers. The overriding focus in these works has been to chart the experiential 'topology' of hijra life, especially that resulting from their marginalisation, which has been revealed to be exacerbated by a lack of (1) networks of social support and (2) political voice. However, what remains under-researched is the significant progress made by the hijras in confronting these issues and mustering political will to effect change.

Post-2000, when AIDS activism and human rights campaigns started becoming integral to the lives of gender and sexual minorities, a section of authors shifted their attention from the *gharanas* to 'LGBT' activism and politics. In the works of these authors, one can notice a shift in the portrayal of gender nonconforming people from passive subjects to people with social and political voice. The writings of Cohen (2005) and Reddy (2000, 2004, 2005, 2007) capture this moment of interruption by documenting the concomitant changes in the life course and social alliances of the hijras. In the works of Boyce (2007), Atluri (2012), and Dutta (2014), the explicit focus is on the political realities and social vicissitudes experienced at the crossroads where global norms and identities categories meet their local counterparts. Equally, keen attention has been cast on the advancement in global activism, and the media and funding strategies of NGOs in the works of Naisargi (2012) and Lakkimsetti (2016). In all these works, gender nonconforming identities have been seen as changing with the passage of time. My work departs from this formulation and argues that rather than coherent shifts across time, the lives of gender nonconforming people manifest in ways that cannot be apprehended through linear historical and temporal shifts. It shows how historical tales, myths as well as legal

[32] Kothi is a 'cultural category' popularised as part of HIV prevention effort in India. The term broadly refers to men who 'have a feminine sense of self and who enact "passive" sexual roles' (Boyce, 2007, p.175).

pronouncements continue to linger and impact the lives of gender nonconforming people in present times.

In her paper, Tara Atluri (2012, p.721) offers a pithy rejoinder to Western rights discourses that portray gendered and sexualised identities of the global south as 'consummate victims, seen to be perpetually grieving on world stages'. Over the years, Western feminists, academic researchers, and spectators have tried to apprehend the hijras through a grammar of rights and citizenship rooted in the Westphalian paradigm (see, for example, Atluri, 2012; Khan, 2019). In doing so, they have often overlooked hijras' agency and power, portraying them as enfeebled subjects of the Indian state. Atluri's work uses hijras' embodied and confrontational performances in public spaces as a counter-narrative to the attributes of vulnerability that Western scholars have historically attributed to them (Atluri, 2012, p.729). Chaitanya Lakkimsetti (2016) examines the influence of transnational advocacy on legal struggles around sex work and homosexuality in contemporary India. According to her, Indian activist groups pushing for more favourable LGBT laws do not passively emulate Western rights discourses but reinterpret them to make claims on the Indian state. This initiates a process of mutual imbrication of global and local values and creates pathways for progressive changes within a local setting. For instance, since the 1990s, activists and transnational NGOs working on HIV/AIDS prevention programmes have problematised Section 377 by highlighting the informal ways in which it can be invoked by the law enforcement to blackmail sexual minorities. Contrary to the body of scholarship that sees globalisation as a largely homogenising force, Lakkimsetti's work indicates that the instrumentalisation of global resources can spark aspirations for legal and political citizenship among gender and sexual minorities (Lakkimsetti, 2016, p.377). Both Atluri and Lakkimsetti therefore recognise the power of nonconforming subjectivities in determining the course of their lives and that of legal activism around issues of citizenship and human rights.

Over the last two decades, Indian academics working with nonconforming genders and sexualities have evinced a greater awareness of their own positionality and privilege than was displayed by their predecessors (Dutoya, 2016). Moreover, research on LGBTQ+ people in India has evolved from its early stages in the 80s and 90s when the field was largely dominated by straight academics. With an increased representation of LGBTQ+ academics, there has been a shift in the epistemology and methodology of research involving nonconforming genders and

sexualities from a purely observational perspective to one that is embedded in the author's own experiences and subjective knowledge. In this regard, the writings of LGBTQ+ identifying scholars such as Aniruddha Dutta (2012, 2013, 2014, 2019), Vaibhav Saria (2015, 2019), and Danish Sheikh (2008, 2013) are reflective of their lived experiences and emic knowledge of the field.

Dutta conducted their fieldwork among *dhuranis* (a local gender nonconforming category) in West Bengal from 2007-2012 in a setting where they were considered an 'insider' by the research participants. Their work sheds light on how transnational agencies work towards creating a well-defined and potentially exclusionary rubric of identification, one that incorporates gender and sexual categories that fit the purpose of transnational activism, rendering regional categories invisible to a larger audience. Dutta's work informs Chapter Four of the thesis that discusses how global and local identity labels interact and shape each other, and how their interactions render certain labels usable and others unusable to participants in this research. Saria (2019) conducted their interviews among hijras in Odisha, a setting where they were taken to be an 'insider' by their interview subjects. Their work explores how the Transgender Persons (Protection of Rights) Bill of 2016 uses the discourse of rights and citizenship to justify the increased governmentalisation of hijra bodies and lives. Saria's work has been useful in understanding my participants' reactions and emotions towards the Transgender Person's Bill. Why, for example, some participants seemed to be content with the bill, while others described it as an infringement on their right to self-determination and access to communal traditions and customs. Saria's work informs Chapter Six that discusses legal milestones around transgender and LGBT issues and their bearings on the social progress of those involved. Finally, Sheikh's 2013 paper juxtaposes the author's story of coming out to his family with the legal arc of Section 377 of the Indian Penal Code. His work has provided a way for me to understand my participants' relationship, or lack thereof with Section 377 and the dynamic interaction between trans-specific laws such as the NALSA judgement and Section 377 (Chapter Six).

**The Social Construction of Gender and Sexuality**

Social constructionism is a broad theoretical approach in sociology that hinges on the notion that meanings are constructed through social interaction with others rather than separately within each individual. It focuses on the relationship between an individual and the socio-

cultural context to which they are connected, a notion that the self is both aware of itself and the relations around it (Epstein, 1994; Plummer, 1995). The beginnings of social constructionism go back to the works of Friedrich Nietzsche (1886, p.7) who famously noted, 'Facts do not exist, only interpretations'. In the mid-century writings of Erving Goffman (1963), Berger and Luckmann (1966), and John Gagnon and William Simon (1973), social constructionism has broadly been rooted in symbolic interactionism and phenomenology. These writings emerged as a critique of essentialist accounts that claimed to know the essential qualities of 'being' someone and offered an understanding of human identities and interactions through historical and social mechanisms (Denzin, 1992, p.2-3).

Essentialism has been defined as an attempt to conceptualise identity, in all its complexity, through an investigation of its 'inner truth' or 'essence' (Weeks, 2003, p.7). With regards to the nature of sexuality, essentialists posited that there are and probably would always be two groups of individuals: those who are homosexual and those who are not, qualifying homosexuality as some kind of a fundamental and enduring aspect of a group identity (Richardson, 1984, p.79). Essentialist frameworks were a dominant influencer in the mid-century medical and psychological models of sexuality with professionals in the fields viewing homosexuality as an indication of 'sickness', 'perversion' or an expression of gender inversion (Foucault, 1978, 1990; McIntosh, 1968; Weeks, 1977). The (re)emergence of social constructionism in the 1960s and 1970s, challenged the essentialist conceptualisation of sexuality in the following ways: firstly, it troubled the long-held notion of (hetero)sexuality as a natural function of body, and secondly it argued that homosexuality was neither an essence nor way of 'being'. Central to this critique of essentialism was a distinction between homosexuality as an identity i.e. a way of 'being' and as a set of acts i.e. 'doing' (Plummer, 1981; Richardson, 1984; Weinberg, 1978). In an attempt to prize the concept of sexuality out of the essentialist school, social constructivists deemed it necessarily to show that rather than an enduring essence of a person, sexuality was a product of historical and social developments. The new generation of authors also sought to dispel the host of negative qualities accorded to homosexuality in medical and legal discourses – this required challenging the dominance of the heterosexual matrix which was integral to essentialist accounts i.e. the conflation of sex-gender-desire which normalised heterosexuality as the foundation of the various gender and sex categories (Butler, 1990).

The Kinsey Reports (1948, 1953) helped to unmoor gender and sexuality from their naturalised meanings, rooted in biology, locating them in the social world. The mutually exclusive and oppositional construction of homo- and heterosexuality in earlier writings reflected the belief that an individual's feelings of romantic and sexual attraction are either directed toward members of the opposite sex or, alternatively, in a small number of cases, towards the same sex (Monro, 2015). Such a belief rendered bisexuality i.e. feelings of sexual and romantic attachment and attraction towards members of both sexes and genders, 'inconceivable' (Rodríguez, 2000, p.180). In challenging this dichotomy, the Kinsey Reports brought into attention people's boundless desires, practices and lived realities, paving the way for a relatively more affirmative approach towards the study of bisexuality in the years to come (Fox, 2000, p.161).

The conceptual move from biology to social interaction found particular resonance in the works of Mary McIntosh (1968), Simon and Gagnon (1968, 1973) Ken Plummer (1975, 1981), Jeffrey Weeks (1981), Stevi Jackson (1978) and Diane Richardson (1981, 2007) who have reconsidered the processes of sexual categorisation through the prism of symbolic interactionism and collective meaning making. Departing from the psycho-medical field's focus on the 'aetiology of homosexuality', social constructivists concerned themselves with the social conditions that permitted or led one to call themselves a homosexual (Masters and Johnson, 1979). No less significant was their attempt to decouple sexuality from the body, putting it down to conditioning and long-term social moulding instead (Gagnon and Simon, 2005, p.198). Vance (1989, p.13), for example, suggested that sexuality was 'in our thinking…fluid and changeable, the product of human action and history rather than the invariant result of the body, biology or an innate sex drive'.

Commonly conceived as a combination of heterosexuality and homosexuality, bisexuality as such became conceivable only after the popularization of the hetero/homosexual dichotomy during the late 19th and 20th centuries. Paradoxically, however,

Symbolic interactionism views the social world as comprising of a 'dense web' of historically produced symbols (Mead, 1934, 1967). It argues that the construction of the self takes place through an ongoing process of discerning this 'web' while also installing oneself as a member of society through socially constructed categories. Interactionist theorists such as Plummer (1975), Gagnon and Simon (2005) and Jackson (1999, 2006a, 2006b, 2007; with Scott, 2010a, 2010b) have had a significant impact on the theorisation of the social construction of sexuality.

Plummer (1975), for example, argues that much like the self, sexuality is socially constructed through an understanding of an array of symbols. For him, the process of becoming sexual takes a social pathway, instead of being an essential trait that emerges from within a person. In a similar vein, Richardson (1984, p.83) suggests that a 'homosexual identity' is not an internal state, rather it is a process through which people make sense of their feelings, desires and experiences via socially available categories. Interactionist theorists therefore conceptualise the self as intimately bound up with society in a double helix, a structure where a range of social symbols become legible to an individual through self-reflection, just as the individual becomes legible to society by aligning with one or more identity labels. The process of adoption of a sexual label involves intention, reflection and an understating of the various socially constructed sexual categories (see Coleman-Fountain, 2011; Plummer, 1975; Richardson, 1984). This thesis gives due importance to the social aspect of being a gender nonconforming person, arguing that gendered and sexual selves of participants are socially constructed through their interactions with others. In the data chapters, I have discussed how gender nonconforming people's sense of self and their use of identity categories are based upon their understanding of social cues. It is the social world, with all its vicissitudes, its opportunities, its restraints, that determines participants' aspirations, goals and the communal ties they forge in order to attain them.

Critiques of symbolic interactionism often suggest that the paradigm, in its focus on the everyday, is unable to consider the broader social changes which transform subjectivities. Weeks (1981, p.95), for example, argues while symbolic interactionism can provide a reliable understanding of the processes through which the self comes to be, it cannot fully theorise the historical developments which make subjectivities possible, and thus the paths they are likely to take in the future (see Coleman-Fountain, 2011). This criticism has been addressed by Brickell (2006, p.429) who argues that symbolic interactionism, in its pursuit of understanding everyday interactions, does in fact draw attention both to how sexual norms and mores form a social order as well as to how they are negotiated and modified at an individual level. Brickell states that the notion that people merely absorb 'pre-packaged' ideas about sexuality discredits their agencies and will to transform themselves. Thus, symbolic interactionism does not necessarily see sexuality as having a coherent history and contends that subjectivities are predisposed to everyday changes and well as broader, more momentous social transformations (Brickell, 2006, p.429).

Mary McIntosh's 1968 account of 'the homosexual role' was perhaps one of the earliest attempts at conceptualising 'being homosexual' not as a biological pregiven but as an ascribed or imposed label i.e. a social 'role'. The fabrication of the 'publicised', and 'despised' category 'homosexual' has, for generations, allowed the guardians of society to forge a visible threshold between permissible and impermissible behaviours as well as between people engaging in those two behavioural categories (McIntosh, 1968, p.183). The historical 'role' of the homosexual, McIntosh claims, has been to direct people into desired patterns of social conduct, keeping the bulk of society within the restraints of common morality. The 'homosexual' 'welcomes' the role of a 'deviant', justifying his behavior as 'appropriate' for the category he has been designated to (McIntosh, 1968, p.183). And thus, by adhering to the role given to him, the homosexual refrains from interfering with the norms prescribed for 'regular' people (McIntosh, ibid.). As such, McIntosh's account serves to endow upon the category of 'homosexual' historical specificity, transforming society's perception of the category from an indicator of 'same sex desires' to a cultural phenomenon or an object of knowledge tied to a particular place and time. Gender and sexual categories examined through a historical lens thus came to be seen as contingent upon the prevailing realities of a particular time period and absorbing changes as they travelled across temporal dimensions (see, for example, D'Emilio, 1983; Foucault, 1978; Weeks, 1977).

Weeks (1998, p.149) noted about McIntosh's essay,

> The ultimate significance of the 'Homosexual Role' essay […] was that it persuaded many of us that in trying to understand the historic marginalisation and stigmatisation of homosexuality it was better to follow Mary McIntosh […] in grasping that 'nature had nothing to do with it' (Katz, 1983) than to pursue the will-o'-the-wisp of the causes of homosexuality.

My own work explores both gender nonconformance and gender nonconforming people from a historical perspective where their present circumstances and identities have been considered in light of the historical course traversed by them. I trace this historical trajectory from precolonial times when they were extolled as 'ascetics' and 'nobles' to colonial times when they were not only marginalised but also criminalised to finally, post-colonial India where they continue to push for their rights and form communities at local and global levels. Gender nonconforming people's present modes and practices of naming, both in and out group, and the contours of their community borders are best understood when seen in continuity with their past, and not as a disjunct or discreet slice of history.

The concept of 'sexual scripting' introduced by Gagnon and Simon in 1973 has been pivotal in providing a conceptual framework of sexuality from a symbolic interactionist point of view. For Gagnon and Simon, sexuality is, by and large, a social matter constructed across the dimensions of – 'the agentic individual, the interactional situation, and the surrounding sociocultural order' (Gagnon, 2004, p.276). The meanings attached to sexual behaviours, including what makes them 'sexual' in the first place, come from the 'script' offered by the prevailing sociocultural order (Simon 1996; Simon and Gagnon 1986, 2003). Gagnon and Simon (2005, p.13) claim that the availability of a sexual script is key to the performance of sexuality, as 'without the proper element of a script […] nothing sexual is likely to happen'. The authors make the distinction between three types of sexual scripts: cultural scenarios, interpersonal and interpsychic scripts.

Cultural scenarios refer to the systems of signs and symbols that designate roles to social actors, which they are expected to perform in particular contexts (Simon and Gagnon, 1986, p. 29). They provide a blueprint of the mise-en-scène, the general cast of characters and the relationships between them, letting us know which behaviours are illegal, undesirable, stigmatised, improper and which are encouraged, desirable and prescribed as well as the boundaries between them. Simon and Gagnon (1986) state that cultural scenarios can, all too often, be too abstract to singlehandedly guide or predict people's actual behavior (Simon and Gagnon 1984, p.53). However, this lack of resonance, as the authors argue, between the abstract and the actual can be solved by formulating interpersonal scripts. In interpersonal scripting, social actors apply their knowledge of cultural scenarios and improvise a host of behaviours appropriately in new social encounters (Simon and Gagnon 1986, 2003). According to Simon and Gagnon (1986), the process of writing scripts, in some ways, elevates the social actor from being exclusively an actor to a partial script writer, moulding and shaping materials from cultural scenarios and turning them into sexual scripts for appropriate contexts. When a group of social actors involved in a social interaction 'share similar scripts, the social interaction may play out with relative harmony' (Wiederman, 2015). But when this is not the case, and the cultural scenario becomes too complex or too ambiguous to process at once, intrapsychic scripting comes into play. Intrapsychic scripts aid in patterning one's behavior as well as following other's behavioural patterns. They encompass the private world of wishes, desires, memories, and fantasies that are located in the deep recesses of the human mind. By using symbols, intrapsychic scripts aid in reorganising and grasping 'reality' and actualising a

social actor's 'many layered and sometimes multivoiced wishes' (Simon and Gagnon, 1986, p.30).

Simon and Gagnon's concept of sexual scripts can be leveraged in my work to examine how participants in this research use cultural scenarios to perform different roles and project different aspects of their selves. As will be seen in Chapter Four, participants navigate the challenges presented to them through their understanding of a variety of identity practices, community norms and etiquettes. The culturally available scripts, along with participants' improvisations of new ones using their intrapsychic faculties, enable them to interact with people around them, including members and visitors to their NGO/CBO, policemen, doctors and other HIV stakeholders. The way participants behave with a hijra can be quite different from the way they behave with doctors and lawyers and the way they present themselves at HIV conferences can be different from the way they present themselves at religious ceremonies. Following Gagnon and Simon (1973), navigating through these diverse contexts and the people around them is made possible through both pre-existing as well as newly improvised scripts.

Following a symbolic interactionist perspective, Plummer (1995) offers his exposition of 'sexual stories' which addresses how people understand and adopt historical and cultural accounts of sexuality in an attempt to make sense of themselves as being sexual. As well as rendering ourselves legible to others, sexual stories enable us to make sense of our own selfhood. They reveal why certain identity labels are adopted while others are rejected by people at a particular place and time and how these labels are enacted in front of an audience. Plummer (1995, p.35) argues that the precise historical moment when a story enters the public discourse is crucial to understanding its meanings and characters. While narrating a sexual story one must therefore necessarily pay attention to the zeitgeist of the time, including the political landscape and society in which it came to be, as these factors are key to structuring sexual subjectivities (Weeks 1981, p.95). For Plummer, sexual stories consist of nuggets of symbolic interactions in that they are narrated and performed by and for members of society using social cues and codes. Sexual stories are told within an individual as an internal monologue as well as told to others, they are told singularly as well as collectively, they are told from multiple socio-economic vantage points and geographical locations. They are narrated numerous times across generations, repeated but also rehashed – leading to various

interpretations and meaning makings of the past, present and future (Plummer, 1995, p.41). Sexual stories generally focus on everyday interactions, but they may also endow a sense of permanence and coherence across time, bequeathing upon an individual a sense of identity. The narration and dissemination of sexual stories may also bring to light people's past and predecessors as well as their common cultures and histories, forging a sense of community between those who share them (Plummer, 1995, p.87). In a sense, then, Plummer's (2003b) 'sexual stories' are similar to Gagnon and Simon's (1973) 'sexual scripts' as they help provide a sense of direction and stability over time, creating personal and collective histories and forming identities and communities. The 'gender' and 'sexual' stories told by my participants provide a sense both of their self-understandings as well as their social environment, encompassing their peer group, families and HIV stakeholders such as the police, lawyers and medical professionals. These stories capture a unique moment in a fast-evolving social context that is shaped by both local and international norms. Informed by these understandings, this thesis focusses on gender nonconforming people's past and present self-understandings, social circumstances, friendships as well as their anticipations of the future.

### *The Relationship Between Gender and Sexuality*

The relationship between gender and sexuality is a complex one, both in its theorisation and the politics surrounding it (Richardson, 2007). To what extent gender and sexuality depend on each other, which of the two can be taken to be the primary identity marker and which one an emergent reality all depend on the theoretical prism through which researchers look at their relationship. In what follows, I will consider a range of ways in which gender and sexuality's complex relationship has been explored in the social sciences.

Sigmund Freud's (1905) psychoanalytical theorisations of sexuality conceptualised 'heterosexuality' as an unchanging, unquestioned, ahistorical idea, rather than as one, among many, arrangements of sexual relationships. Many sociologists argued that Freud's positioning of heterosexuality as the most 'normal' and 'desired' form of sexuality has had negative bearings on the understanding of gender roles and relationships, turning the gender binary into heterosexuality's most natural and necessary concomitant. Rich (1983), for example, put forth the concept of 'compulsory heterosexuality', such that heterosexual identities and relationships escaped scientific scrutiny but a deviation from them was instantly regarded as an aberration (Yep 2003, p.29). Similarly, Richardson (1996, p.3) argues that privileging heterosexual

relations as the cornerstone of society has forged a pattern of thinking that considers heterosexual relationships as the 'original blueprint for interpersonal relations' – a deviation from which often triggers punitive consequences. Finally, Fee (2010) notes that the 'heterosexualisation' of gender creates an inescapable and dualistic rubric of classifying subjectivities, desires and relations in academia, and that this attitude is also reflected in society where any and all forms of gender and sexuality that transgress the set rubric are deemed unnatural and therefore, pathological.

Feminist movements, especially in the 1960s and 1970s, challenged psychoanalysis' essentialist formulation of the two sexes, in terms of associating masculinity with rationality and femininity with emotionality (Blake, 2009). In certain strands of feminism, as well as in Marxism, sexuality is viewed as the root cause of the power asymmetry between women and men, which has been linked to the historical subordination of women as well as their symbolic and material dispossession. Feminist writer MacKinnon (1982) argues that almost every element of the female archetype can be attributed to sexuality. Following Marxist theories, she offers a causal link between sexuality and gender where sexuality is viewed as the main determinant of gender identities and gendered power inequalities within society. In subsequent feminist works, authors such as Ingraham (1994, 2005, as cited in Richardson, 2007, p.463) have posited 'heterosexuality' rather than 'sexuality' to be the 'primary organising principle' of gender (roles and relationships), coining the term 'heterogender' to denote their intimate relationship.

The 'cultural turn', associated with the rise of queer theory in social sciences, appealed for a 'radical' separation between the concepts of gender and sexuality (Nicholson, 1994; Sullivan, 2003, as cited in Richardson, 2007). Scholars such as Sedgwick (1990) and Rubin (1984), for example, argued that although gender and sexuality seem to impact each other, one of them can never be adequately conceptualised through the other. Rubin (1984, p.308) insisted that the two be studied as separate systems on the basis that they form two separate domains of theorisations and social practice. Drawing on Rubin's work, Sedgwick (1990) also called for a separation of gender and sexuality in order to allow for a better understanding of the production of homosexuality and heterosexuality.

The shift of emphasis from studying the 'binary logic and understandings' of gender to thinking of it in terms of 'performativity' is associated with the work of Judith Butler (1990, 1993). For

Butler (1990, p. 24), the self is constructed and consolidated within a 'matrix of intelligibility' surrounding the binary categories of 'man and woman' as well as 'homosexual' and 'heterosexual'. This means that to be made legible as a human subject one has to be recognised as either 'man' or 'woman'. Concomitantly, one's classification within either of those two categories and their sense of attraction (to members of the same and/or opposite category) determines their sexual identity (ibid.). Butler (1990, p.33) conceptualised gender as a performative act that takes place through:

> a set of repeated acts within a highly rigid regulatory frame that congeal over time to produce the appearance of substance, of a natural sort of being. A political genealogy of gender ontologies, if it is successful, will deconstruct the substantive appearance of gender into its constitutive acts and locate and account for those acts within the compulsory frames set by the various forces that police the social appearance of gender.

Butler collapses the sex/gender distinction in order to argue her point that there is no sex that is not always already gender. All bodies are gendered from the beginning of their social existence and that there is no existence that is not social, which means that there is no 'natural body' that predates its cultural inscription. This seems to point towards the idea that gender is not something one is, it is something one does, an act, or more precisely, a sequence of acts, a verb rather than a noun, a 'doing' rather than a 'being' (Butler, 1990, p.25). By this, Butler does not mean that the subject is free to choose which gender she or he is going to perform – in fact, the script, as it were, is always predetermined within a 'highly rigid regulatory frame'.

In an attempt to better make sense of the dynamic, changing (as well as stable) and variously complicated relationship between gender and sexuality, Richardson (2007, p.470), put forth the metaphor of the 'shoreline' – the area framed by the land and the sea where the two flow and leach into each other (Richardson, 2007, p.470). Gender is seen as the 'land' as it (presumably) has greater fixity than sexuality, which is denoted by the 'more ambivalent' sea (Sedgwick, 1990, as cited in Richardson, 2007, p.470). Gender and sexuality, like the land and the sea, are inter-related but are also distinguishable from each other. Meaning, they are connected but at the same time, do not dictate each other's terms. They weave in and out of each other's conceptual domains and together, they bring to light how people's subjectivities are formed through their gendered and sexual selves.

The shoreline is something that is knowable and fixed but is likely to be disturbed and aberrated by the ebbs and flows of tides. The tidal ebbs and flows in the case of gender and sexuality are the local (value systems, categories and histories) and global conditions (global politics, wars, global economy) that shape it. In this way, the shoreline model enables us to understand gender and sexuality in terms of their specificity to geography and historical periods.

> At different times and places shorelines disappear and new ones form. New sexualities and genders emerge as others disappear. It also allows for situational specificity, different aspects of the shoreline are revealed in some circumstances that are not in view in others. In some social contexts we may observe a particular link between gender and sexuality, whereas in other contexts such a link is not apparent. (Richardson, 2007, p. 470)

The relationship between gender and sexuality is conceptualised here as dynamic, contingent and often in a state of flux. Depending on the society one is looking at, the forces linking the two categories may be so strong as to render them conjoint or so weak as to render them independent of each other. By seeing gender and sexuality's relationship as both strong and weak, Richardson takes into account non-western, local contexts where there may not be a direct relationship between the two categories. The many self-expressions of gender nonconforming people in India are born out of the differential importance given by them to the concepts of gender and sexuality and the links between them. Sometimes research participants saw their sexuality as emerging from gendered positions, and sometimes as independent from them. Some participants, for instance, saw themselves as 'ordinary [cis] woman' and categorised their desires for a male partner as 'heterosexual' (see Arya's quote on page 116). Some others saw themselves as transwomen and considered their past and, in some cases, present desire for a male partner as a homosexual desire.

The shoreline model affords a rich analysis of the 'historically and socially specific relationship between sexuality and gender, as well as the gendered and sexualised specificity of their interconnections' (Richardson, 2007, p. 465). Moreover, it avoids the fault lines created by feminist and queer approaches in understanding their complex relationship – where the former overdetermines the link between the two, and the latter sees them as radically separate entities (Hennessy, 2006; McLaughlin et al., 2006).

This section has explored the social construction of gender and sexuality and their complex relationship. Using a variety of constructivist approaches, it posited gender and sexuality as

dynamic, fluid and provisional rather than stable and fixed categories. The concepts used in this section help in the analysis of data, particularly in Chapters Four and Five that conceptualise participants identities and their communal ties as strategic and in a state of flux.

## Revisiting Stigma Within the Research Context

The lives of gender nonconforming people are affected by forms of stigma and discrimination which govern their understandings of the self and their perceptions of 'us' and 'other'. Following on from the discussion on the constructed nature of gender and sexuality, this section will explore some key literature on stigma, locating its construction at the social and political levels. It is divided into two subsections. The first subsection situates Goffman's exposition of stigma in my research context. It does so by examining the five characteristics of stigma presented in his account i.e. labelling, stereotyping, distancing, discrimination and domination of stigmatised groups, and considering what they might mean for my research participants. The second subsection engages with the concept of stigma beyond Goffman's exposition and casts a critical gaze at the socio-political function of particular modalities of stigma production.

### *Stigma and Goffman*

Erving Goffman in his 1963 book – *Stigma: Notes on the Management of Spoiled Identity*, delineated the concept of stigma to show how individuals who do not conform to the generally accepted definition of 'normal' are 'disqualified from full social acceptance' (Goffman, 1963, Preface). Adopting a symbolic interactionist approach, his work focuses on the relational aspects of stigma i.e. social relationships that engender and propagate the disqualification process. Goffman defined stigma as an 'attribute' that is neither credibly nor discernibly 'a thing in itself' and, that as a result, ought to be understood through 'a language of relationships' (Goffman 1963, p.13). Stigmatised individuals, he claimed, are always under pressure to adjust to approved social norms and resort to a range of coping mechanisms to handle rejection from mainstream society. One of the coping mechanisms adopted by such individuals includes turning to fellow stigmatised people or 'sympathetic others' for support and comfort (Link and Phelan, 2006). To this end, they may form self-help groups to feel a sense of security and belonging. Goffman outlined five components of the stigmatisation process through which individuals are labelled, set apart and discredited based on perceivable social attributes.

The first component of stigma is a shared understanding, acknowledgement, and labelling of human differences. While some human differences are acknowledged universally and appear to be relevant in most social contexts (typically associated with racial background, intelligence, sexual preferences, and gender identity), other forms of differences have meaning only in a specific context and are not likely to be universally salient or consequential. For instance, in India, belonging to a particular caste or community plays a key role in matrimonial matchmaking but in the Western world these parameters may have lesser significance. Link and Phelan (2006) argue that societies understand and classify human differences in different ways and to different extents – what may be a significant difference in one society may not be significant in another. Furthermore, in every society there are specific selection processes which determine which differences are stigmatised, and which are not. When it comes to gender and sexuality, Indian and Western societies exhibit vastly different responses and attitudes towards people who do not conform to heteronormativity and gender binarism. In the west, gender and sexualised identities have been historically linked to 'mental illnesses' and moral abasement (Inch, 2016). But in precolonial India, as discussed earlier, gender nonconforming people were considered spiritual beings – a status that earned them important positions in the king's court and respect from members of society (Pattanaik, 2014).

In the second component, Goffman talks about the process of stereotyping in which the 'normals' (Goffman, 1963) attach undesirable traits to 'labelled' individuals. He argues that support groups comprising of fellow 'labelled' people and sympathetic others help stigmatised individuals in seeking solidarity, comfort and refuge (Goffman, 1963). The main motivations for seeking long-term associational engagement to a support group include stigma/identity management, navigating people's sense of precarity, and finding emotional and psychological support (Sklenar, 2018). Membership to a support network offers gender nonconforming people an opportunity to cultivate affect-based relationships and provides a conducive environment where they can confide their innermost thoughts and feelings, as well as intimate details of their gender and sexuality (Chakrapani et al., 2007). Hijras, TGs and MSM may support each other at the time of crisis by discussing their problems and offering counselling and guidance on a range of issues such as family problems, use of condoms and safe sex, discrimination faced at work and public sites, etc. (Chakrapani et al., 2007). The similarities and differences in how hijras, TG and MSM experienced stigma were key factors in determining how they drew community boundaries and demarcated 'us' from 'them'. As I will

explain in Chapter Five, those who considered themselves 'working class' or 'poor' experienced stigma differently from those they saw as possessing social capital in the form of wealth, educational qualifications or social connections.

The third component of stigma relates to the degree of separation between the group doing the labelling, the 'us', and the group that is being labelled, the 'them'. Ideas and practices of distancing stem from people's preoccupation with risk and security that characterise all societies, but especially growing economies like India. The separation between the 'normals' and the stigmatised/subordinated groups are maintained at two levels: at an observable level, the 'normals' create physical boundaries such as walls, gated apartment buildings and guarded neighbourhoods to ensure some form of physical distancing from those perceived as 'outsiders'. At a deeper level, however, they create symbolic barriers using cultural repertoires, such as exclusive customs, rituals and practices. These ideas and practices of exclusion serve to maintain the supremacy of the 'normals' and protect them and their loved ones from the 'dangers' of the outside world (Bowman, 2001; Collins, 2010; Wacquant, 2014).

Historically, the 'normals' have created a sense of safety and security by surveilling and regulating the movement of 'outsiders' in public spaces. In recent years, however, there has been a reversal of values attached to public and private spaces and aspects of security attributed to both (Collins, 2010). Throughout history, hijras have restricted themselves to the bounds of their *gharanas*, venturing into public spaces only as a group, mainly to collect ceremonial alms or *toli*. Semmanal (2014, p. 283) calls this a 'survival strategy' born out of a heightened viscerality towards 'public violence, discrimination, and vulnerability'. This has progressively been changing due to AIDS activism in India that began in the late 1980s but mostly gained momentum in the 1990s. For some time now, gender and sexual minorities have been trying to reclaim the public sphere through a wide range of activities, notable amongst which include sensitisation programmes, public activism and pride marches (Srivastava, 2014). The dominant society has responded to their declining monopoly over public spaces by creating gated communities that filter out outside 'vices' and preserve their internal sanctity (Collins, 2010).

Fourthly, in most cases, stigma is accompanied by discrimination and involves a loss of social status. Link and Phelan state that 'when people are labelled, set apart, and linked to undesirable characteristics, a rationale is constructed for devaluing, rejecting, and excluding them' (Link and Phelan, 2006, p. 528). Kings (2005) identifies discrimination as a significant stressor that

has been associated with psychological distress and even physical illnesses. For gender nonconforming people, it is known to cause a range of health-related issues, including depression, anxiety, low self-esteem, loneliness, substance abuse, and other issues that compromise their psychological wellbeing (Clements-Nolle et al., 2006; Newcomb et al., 2020; Valentine and Shipherd, 2018). Hijras, TGs and MSM face stigma and discrimination at the hands of a range of social actors and institutions, including the police, the healthcare sector, and their families. They are blackmailed by the police, often daily, who confiscate their identity cards, keep records of their addresses, and show up at their door asking for money, with threats to inform their family and friends of their sex work (Chakrapani et al., 2007). The strong ties between the police and offenders have two important consequences: on the one hand, they deter gender nonconforming people from reporting acts of sexual violence perpetrated against them and on the other, they embolden blackmailers and sex offenders to carry on bullying vulnerable people (Chettiar, 2015). Scholars like Azad and Nayak (2016) and Diehl et al. (2017) argue that gender and sexual minorities face multifarious forms of discrimination in the health care sector. Health care professionals including doctors, nurses and program managers engage in indirect forms of discrimination through a range of failings, such as displaying a general lack of kindness, designing programmes that fail to adequately address their physical health, and ignoring their mental health altogether. Throughout South Asia, gender and sexual minorities are victims of discriminatory behaviours and practices at their workplaces, such as sexual and verbal harassment, a refusal to use preferred names or pronouns, and a lack of access to restrooms that match their gender identity (Ahmed et al., 2014; Mal, 2015; Pepper and Lorah, 2008). Being aware of their financial precarity, some employers offer jobs to vulnerable people in exchange for sex and, in many cases, continue to exact sexual favours from them throughout their tenures. In the majority of cases, such employees refrain from reporting incidences of sexual harassment due to fear of having their employment terminated (Mal, 2015).

Within the family, gender nonconforming people typically face a lack of support, with important impacts on how they are viewed more widely (Subramanian, et al., 2016). Richardson and Laurie's (2019) case study of the experiences of trafficked women in Nepal is a pertinent and timely critique of the Western-centric constructions of stigma which locate and limit it within the stigmatised individual (see, for example, Bhambra 2014; Rodríguez, Boatcă and Costa, 2016). Pryor et al. (2012, p. 224) define 'second-hand stigma' or 'stigma by association' as the 'process through which the companions of stigmatised persons are

discredited'. The recipients of such stigma are usually individuals who have a strong and enduring bond of kinship with the stigmatised individual – but sometimes they may also include people who are simply seen in passing with a stigmatised person or a group. The framework of 'stigma by association' therefore takes into consideration social relations of the stigmatised individual – and is an important concept when it comes to close-knit societies like India where a significant portion of the population continues to live with their families well into their adult lives. As Chakrapani et al. (2007) note, families and kin of gender nonconforming people suffer from a concomitant status loss and risk social reprisal and ostracism – a reason that leads them to alienate their child once their 'identity' is revealed to the outside world. As a result of this, MSM and TGs often end up keeping secrets from their loved ones, even living a kind of 'double life' from which their vulnerability to blackmail and extortion often derives (Chakrapani et al., 2007).

Finally, Goffman (1963) argues there can be no stigmatisation without the exercise of power and control. The essential role of power in the stigmatisation process is manifestly evident in situations where low-power groups attempt to 'reverse stigmatise' the stigmatiser. Link and Phelan (2006) take the example of the doctor-patient dynamic in psychological wards to illustrate both the role of power in the stigmatisation process and the futility of reverse stigmatisation. They note that patients (a low power group) in mental health clinics often label their clinicians (a more powerful group) as 'pill pushers – a cold, paternalistic, and arrogant "them" to be despised and avoided' (Link and Phelan, 2006, p.528). Nonetheless, they lack the social, cultural, economic, and political power to channelise their anger and disdain towards the clinicians into real and significant stigma. 'The staff, in such circumstances, are hardly a stigmatised group' (Link and Phelan, 2006, p.528). In the case of the hijras, the process of reverse stigmatisation is a little more complex. Hijras employ a range of verbal and gestural shaming tactics to combat stigma and make their presence known. Although their shaming tactics cannot be counted as 'reverse stigma', (Jeffery, 1997, p.241) they serve as powerful acts of resistance as through them hijras hold a mirror up to society and show the 'normals' what it is like to be at the receiving end of stigma (Hall, 1997).

***Stigma Beyond Goffman***

In the 50 years or so since the publication of Goffman's work, there has been an 'explosive growth of research and theorising' (Hinshaw, 2009, p. 25) about stigma particularly in the field

of social psychology. As Hacking (2004, p.18) notes, Goffman's definition of stigma has proved a 'remarkable organising concept' for understanding and classifying a range of negative stereotyped beliefs, prejudiced attitudes, and discriminatory behavior. Crucially, his exploration of the effects of a 'spoiled' identity on stigmatised groups has furthered public discourse on stigma all over the world and laid the groundwork for various destigmatisation campaigns (Tyler and Slater, 2018; Tyler, 2020).

While Goffman's work is still considered a remarkable breakthrough in the field of social sciences, it has fallen out of favour with academics who understand stigma as a form of power and social control. Tyler and Slater (2018, p. 735), for example, call Goffman's account of stigma 'decidedly ahistorical and apolitical' that circumvents questions about how it is produced, by whom and to what ends. This warrants formulating a complimentary account of stigma as a 'deliberate' mechanism through which a powerful set of people – the 'elites' – 'produce and reproduce social inequality' (Parker and Aggleton, 2003. p.17). In recent years, there has been a proliferation of sociological accounts that look at stigma through the lens of specific governance models such as the passage of laws and policies that establish and reproduce forms of stigma, rather than simply looking at it 'in terms of individual attitudes and behavior linked to negative cultural stereotypes and values' (Richardson and Laurie, 2019, p.1926).

Tyler and Slater (2018) point out that so far social psychology has presented stigma as a set of static attitudes rather than a constantly evolving social process that can be disrupted, resisted, and redirected by stigmatised individuals and groups (see Hatzenbuehler and Link, 2014; Link and Phelan, 2001). The overriding focus of this line of enquiry has been to understand stigmatising attitudes and behaviours in an attempt to, presumably, transform them. To this end, it embraces a 'bottom up' approach, proposing that people's perceptions about a stigmatised group can be transformed by facilitating propinquity and dialogue between the group and the larger public, and that this might cumulatively, when scaled up to the national and international levels, transform historically held attitudes and stereotypes (Parker and Aggleton, 2003, p.15). Even so, as Tyler and Slater (2018, p.17) argue, the 'individualistic starting point' seldom takes into account the overarching 'political economy of stigmatisation', including meso and macro-level factors, such as economic crisis, wars and international conflicts, which shape stigmatising attitudes and beliefs. This calls for a shift in stigma's

analytical focus from micro-level factors i.e. at the level of the individual, to examining how 'socio-economic structures and institutions reproduce stigma as an aspect of forms of local and nation-state power and governance' (Richardson and Laurie, 2019, p.1928). Emerging research on stigma such as the works of Parker and Aggleton (2003), Wacquant (2008), Tyler (2013; 2020), Link and Phelan (2014), Pescosolido and Martin (2015), Scambler (2018), Paton (2018), and Richardson and Laurie (2019) trouble existing conceptualisation of stigma as a mark of discredit and focus precisely on how the state operationalises stigma to control and manage populations. The section will look at how these authors have mobilised a political understanding of stigma in the contexts of class, race, urban spaces and territories, gender and sexuality and the relevance of this shifting perspective on stigma for my empirical work.

Parker and Aggleton (2003. p.16) contend that in order to move beyond the limitations of existing conceptualisation of stigma we need to take cognizance of the 'broader notions of power and domination' that drive the stigmatisation process. The role of power in stigma is also taken up by Link and Phelan (2013, p.24) who focus on how people deploy their power to keep certain identities 'down, in or away'. Drawing on Bourdieu (1987, 1990), who notes that power is often most effectively deployed when it is hidden or 'misrecognized', Link and Phelan (2013, p.24) develop the concept of 'stigma power' which examines the ways in which 'stigma processes achieve the aims of stigmatizers with respect to the exploitation, control or exclusion of others'. For them, power is not merely a force asserted by individual social actors, but a consorted force exerted by institutions and states within a broader political economy of neoliberal capitalist accumulation. Crucially, they maintain that even though the role of power in stigma production is often overlooked, power differences are not only the 'determinants of stigma, but also the consequence of stigmatisation' (Richardson and Laurie, 2019, p.1928).

My own study considers the role played by powerful state actors and institutions in instrumentalising the rhetoric of 'middle-class respectability' to produce and channelise stigma towards gender and sexual minorities. This rhetoric has become even more relevant in the past ten years or so with the ascendance of a right-wing ideological wave in national politics that plays into and emblazes people's anxiety around issues of cultural preservation and national security (Leidig, 2020). Scholars such as Puar (2007) discuss, within the North American context, how right-wing politicians and populist groups use the conjoined tropes of 'other' and 'danger' to stigmatise minority subjects and turn the national majority against them. Under the

present administration in India, persons and groups that do not conform to the dominant narrative are often seen as 'dangerous outsiders' and summarily labelled as 'anti-national' (Ganguly, 2019)[33]. It is against this backdrop of national pride and a growing sense of cultural insecurity that nonconforming genders and sexualities are being presented by politicians as a foreign encroachment on Indian culture and an affront to the Indian family life[34]. In an interview, Subramanian Swamy, a prominent minister of the government in power at the time of writing, remarked that the LGBT culture not only goes against 'Hindutva[35]' and the 'edicts of our scriptures' but also poses a danger to 'our national security'. He portrayed LGBT people as an obscure and outlying group with no ties to India's past, calling their lifestyle an 'American game'. Importantly, he recommended that rather than propagating their 'culture', the government direct its resources towards 'curing' LGBT people (ANI Staff, 2018[36]). Swamy's claims about hijras' 'foreignness' and 'otherness' are perhaps indicative of a larger tendency to condemn inconvenient facts about India as 'Western imports' that are 'alien' and as such, 'corruptive'. Such a tendency, as Srivastava (2020) writes, disregards hijras' rich history in precolonial times, finding an echo in the everyday parlance of the national majority who routinely use them to discredit and stigmatise LGBT people.

Any discussion on stigma power warrants critical engagement with how the new mode of worldmaking inflects and augments the channelisation of power. Imogen Tyler's work on neoliberal stigma remains alert to the role of politics and economics in shaping stigmatising attitudes and beliefs. By looking into Britain's most incendiary political moments, including the British Nationality Act of 1981, The Naked Protests of 2005, 2008 and 2010 and the 2011 England riots, Tyler analyses the production and mediation of state sponsored stigma in modern

[33] Human Rights Watch.

[34] Srivastava, R. (2017, March 6). Residents crane neck to spot PM Modi passing through their street. Times of India. https://timesofindia.indiatimes.com/city/lucknow/ residents-crane-neck-to-spot-pm-passing-through-their-street/articleshow/57484885.cms

[35] Hindutva refers to the dominant Indian 'cultural, national, and religious identity' and is the predominant form of Hindu nationalism in India. Hindutva as a principle was founded by Chandranath Basu and was later popularised as a movement by Vinayak Damodar Savarkar in 1923. It brings together a geographically based religious, cultural, and national identity that takes pride and partakes in '*Hinduness'*. Its causes are currently championed by the Hindu nationalist volunteer organisation Rashtriya Swayamsevak Sangh (RSS), the Vishva Hindu Parishad (VHP), and the party in power in India at the time of writing, the Bharatiya Janata Party (BJP).

[36] ANI Staff. (2018, Jan 9). This is what Subramanian Swamy has to say about homosexuality. ANI News. https://www.aninews.in/news/national/general-news/this-is-what-subramanian-swamy-has-to-say-about-homosexuality201801091445570007/

times. Her work draws attention to how governments and big businesses have channelised blame to evade accountability for their failures or/and prising mass support for austerity measures. Importantly, Tyler discusses how people at the bottom of the class structure might engage in practices of resistance against neoliberal governmentality and redirect state's revulsion towards them to those in positions of power. Chapter Six of the thesis looks at stigma wrought by the Indian state against gender nonconforming people, the objectives of the state in doing so, and the consequences and modes of resistance to such state-sponsored stigma. Set against the backdrop of two recent legal reforms, the chapter shows how the state instrumentalises a neoliberal framework to capture the essence of justice for transgender people, and in doing so, perpetuates the notion that those who fail to get an education or follow a particular career path are lazy, irresponsible, and above all, caught in a state of dependency on public hand-outs (Tyler, 2013).

Loïc Wacquant (2008, pp.24-25) formulates an account of stigma as a form of 'violence from above' where he looks at how neoliberalism directly abets and amplifies the potency of stigmatisation against minority subjects 'in daily life as well as in public discourse'. His work on territorial stigmatisation shows how certain neighbourhoods in advanced societies have become racialised, classed, and made into symbols of moral taint to the point that their taintedness is 'arguably the single most protrusive feature of the lived experience' of those who live in them (Wacquant, 2008, p. 169). Following Wacquant's analysis, Paton (2018) identifies stigma as a process of 'power and profit' that characterises neoliberal governance and capital accumulation. She shows how both these factors act in tandem to create localities of disrepute and dehumanise people inhabiting them. Her work 'gazes up' to shed light on the producers and profiteers of the stigmatisation processes, such as government bodies and actors and private business interests. Stigma attached to spaces and places affect the lives of MSM, TGs and hijras, the majority of whom live in cast-off, overcrowded dwellings in urban areas with crumbling public infrastructure and underfunded public amenities. For centuries, hijras have lived in groups of five to fifteen within the bounds of their domestic units called the *gharanas* (Goel, 2018). As discussed in the Introduction, hijra *gharana*s were affluent and in a symbiotic relationship with the mainstream during the pre-colonial times. However, with the ingression of colonial mores and jurisprudence, Indian society underwent a moral transformation particularly in matters of gender and sexuality; it began likening hijras (along with other indigenous tribes) to kidnappers, delinquents and even hardened criminals and conceiving of

the *gharanas* as polluted and debased spaces, in sharp contrast to the 'respectable' Indian patriarchal family (Khan et al., 2009). It was around this time that the infamous Criminal Tribes Act (1871) was passed that declared hijras to be of a 'criminal nature', casting them off to the far corners of the country. These colonial ideas around hijras' 'criminality' and 'pollutedness' have congealed over time, and in no small way, contributed to hijras' geographical distancing from the dominant society and their relegation to the slums (see, for example, Mal, 2018; Saleem et al., 2011).

Stigma emerging from sexuality, ties to sex work and vulnerability to HIV/AIDS are implicit in the larger context of social stigma faced by gender and sexual minorities. Sexual stigma is a recurring theme in Chapter Four of the thesis which engages with how TG, hijra and MSM participants reflected upon their experiences with it and their approaches to managing their stigmatised identity. One of the early works that looked at the relationship between sexuality and stigma was British sociologist Ken Plummer's book titled, *Sexual Stigma* (1975). Plummer defines sexual stigma as the stigma associated with 'sexual deviances', including child molestation, prostitution and unmarried motherhood. In a similar vein, Rubin (1984) uses the term 'erotic stigma' to delineate the ways in which societies regulate sexuality by legitimising certain sexual relations and practices, typically the ones contained within marital, monogamous, reproductive, and private relationships, while simultaneously delegitimising others that are non-heterosexual, commercial, unmarried, casual, and public in nature. Since then, a significant portion of research on stigma has been dedicated to the study of sexual stigma, which involves unpacking 'the negative regard, inferior status, and relative powerlessness that society collectively accords to any non-heterosexual behavior, identity, relationship, or community' (Herek, 2007, p.906). The notable strands of this line of enquiry includes the study of HIV/AIDS related stigma (Parker and Aggleton, 2003) and stigma associated with nonnormative expressions of female sexuality, such as the stigmatisation of single mothers (Hancock, 2004) and female sex workers (O'Neill et al., 2008; Weitzer, 2018).

Both feminist and queer theorists have analysed how a particular socio-sexual order is established and maintained by the twin-forces of patriarchy and heteronormativity and, importantly, how any deviance from this order prompts the production of sexual stigma. In other words, they look at how societies 'naturalise and privilege certain forms of (hetero)sexuality' while excluding and devaluing others that do not conform to them (Warner,

1993, as cited in Richardson and Laurie, 2019, p.1929). In this respect, this line of enquiry shares a similar focus to the new work on stigma insofar as it looks at the production of inequalities via social institutions, norms and practices. Richardson and Laurie (2019, p.1929) argue that the shift from the language of sexual stigma to the language of heteronormativity and sexual citizenship reflects larger political struggles over sexual injustices and the modes of redressal they inspire. Gender nonconforming people's lives in India are situated in a context produced by the intersection of two laws that are, either directly or indirectly, tied to the idea of citizenship. For as long as it was valid, Section 377 continued to compromise the sexual rights and citizenship of hijras, TGs and MSM by criminalising their sexuality. The Transgender Person's (Protection of Rights) Bill, on the other hand, exposes them to physical and biomedical surveillance, and in doing so, it curbs their right to self-determine their gender and protect their privacy as citizens of India.

It is important to emphasise at this juncture that stigma is not a one-way process whereby the stigmatiser assumes an active role and the stigmatised a passive one. As Michele Lamont (2009) argues, stigmatised groups reconcile with, negotiate and respond to their experiences of stigma through a range of responses. These responses are circumscribed by the cultural repertoires available to them in the form of collective myths, imageries, and so forth. Considering responses to stigma is important because stigmatised people cannot be presumed to be passive receptacles of devaluation and blame – they have agency and their collective acts of subversion might rouse social consciousness and promote positive transformations in society (see Bailey and Tyler, 2018). According to Lamont (2009, p.153) cultural repertoires matter because they 'energise, motivate, create excitement, and optimism' among stigmatised people. In societies that lack alternative valuation systems, stigmatised groups are likely to internalise their lower status and display resignation or passivity, instead of resilience, towards their stigmatisers. This may in turn affect their well-being, and a range of related health outcomes such as depression and suicide (Lamont, 2009, p.153). In India, social stigma and the concomitant loss of status can have serious impacts on the physical and mental health of gender nonconforming people, oftentimes leading to an exacerbation of sexually transmitted infections (STIs), a sense of alienation, and even suicide (Bandyopadhyay and Ahmed, 2010; Rao, 2017). But the availability of alternative valuation systems in the form of ancient stories, myths, and symbols helps, at least in some measure, in palliating these negative impacts. Chapter Four of this thesis will further engage with how gender nonconforming people can mobilise these

myths and folklore tales to upend the power dynamics between the stigmatisers and the stigmatised and reimagine their social status in contemporary times (see page 109).

Drawing on complex and nuanced accounts of post-Goffmanian analyses of sexualised stigma, this section has provided an overview of the processes through which stigma is produced and mediated, the deployment of stigma as a weapon of domination over populations, and the ways in which stigma is negotiated and resisted. It conceptualises stigma as part of an intertwined machinery, involving individual social actors, social institutions, and various macro-level processes including historical, political, and geographic turning points, that forge labels of 'otherness' and transform them into marks of shame. As Tyler and Slater (2018, p. 740) argue, a closer examination of this machinery might promote a shift from portraying people and places as perpetrators of 'moral dissipation' and 'national debility' to understanding how such labels are fastened on them. In examining gender nonconforming people's experiences with recent legal reforms, Chapter Six deconstructs the state 'machinery' that manufactures and dispenses stigma against them through the passage of discriminatory policies and forms of surveillance. The tools and concepts provided in this section, particularly the ones that conceptualise stigma as a form of power, lay the necessary groundwork for understanding macro-level, state-sponsored stigma – which, while less 'visible' than person to person stigma, can be a potent force that causes 'social abjectification' (Tyler, 2013) of gender nonconforming people.

**Conclusion**

This chapter has presented the broader context within which the lives of gender nonconforming people are embedded, which will be drawn on in making sense of participants' idea of their gendered/sexual selves (in Chapter Four), their communal ties (in Chapter Five) and the legal and bureaucratic changes concerning them (Chapter Six). Its main concern has been twofold: firstly, to delineate the contextual backdrop of gender nonconforming people in India by reviewing an array of literature about them, and secondly, to flesh out the broad theoretical approach adopted in making sense of the data in the subsequent chapters. To this end, it has reviewed extant literature on gender nonconforming people in India, presented an analysis of the concepts of gender and sexuality and delineated the concept of stigma from both Goffmanian and post-Goffmanian perspectives. This thesis is formulated by taking cognizance of the ongoing and dynamic interaction between economic, social, and legal changes taking place in the lives of gender nonconforming people in the broad context of identity, community

and stigma. Along with the introduction, the literature review forms the basis for a number of important questions that will be taken up in the subsequent data chapters. These include: How do gender nonconforming people mobilise different identity categories to manage stigma? How do they rally the strength of their 'community' to not only mitigate their sense of alienation but also fight back against society? Finally, what have been the impacts of the recent reforms passed by the Indian state on their lives? Before going into data analysis, the methods employed to carry out this research as well as their ethical underpinnings shall be discussed in the upcoming methodology chapter.

## Chapter Three: Methodological Considerations in Exploring the Lives of Gender Nonconforming People

### Introduction

The previous chapter situated my research within a range of literature that forms the broad contextual backdrop of the thesis. As indicated earlier, the theoretical framework adopted in this project is based on social constructivism which focuses on the 'process of constructing meaning; and how people make sense of their experience(s)' (Merriam and Caffarella, 1999, p.260). As for the methodology, this project takes a qualitative approach, seeking to 'address questions concerned with developing an understanding of the meaning and experiences' of being human (Fossey et al., 2002, p.717). The search for 'meaning' and 'experiences' implicit in qualitative research is therefore very much in line with social constructivism's emphasis on people's social interactions and their processes of meaning making. This chapter discusses the methodology and methods employed in carrying out this research, including an exploration of the research design, the sample, access and gatekeepers, ethical considerations, translation of interview data, and finishes with data analysis.

I conducted a six-month long fieldwork in Delhi where I interviewed thirty-seven people identifying as MSM or men who have sex with men, TGs or transgenders, and hijras (MTH). Before the start of the fieldwork, the following served as my main research questions:

- What is the nature of stigma experienced by gender nonconforming people a) at a personal level b) within the institutional contexts of law enforcement, education and health care services? How does systemic stigma impact their lives and access to material and symbolic resources? How do gender nonconforming people respond to stigma? What are their common destigmatisation strategies?
- What are gender nonconforming people's social support networks? To what extent do they feel supported by their networks of friends and community members?
- What are the policies in place to safeguard the rights of gender nonconforming people? To what extent do they feel protected by these policies?

These research questions were modified over the course of the interviews to reflect the emerging findings around the mobilisation of Western and Indian identity categories,

communal affinity, and LGBT laws and policies. Towards the end of my fieldwork, I finalised these following adapted research questions which shape the three data chapters:

- How do Western identity categories such as gay and transgender inform participants' sense of self?

- How do the personal and institutional contexts of stigma in which participants find themselves impact their self-understandings? What steps do they take to manage stigma and create a positive sense of self?
- Whom do participants seek solidarity with? Who is or is not seen as a member of their 'community' and why?
- In what ways has the introduction of two new legal reforms: the NALSA judgement (2014) and the Transgender Person's (Protection of Rights) Bill (2016) impacted the research participants' lives?

**Doing Qualitative Research**

I used qualitative interviewing as my method of data collection. Rubin & Rubin (1995, p.1) think of qualitative interviewing as a 'great adventure - every step of an interview brings new information and opens windows into the experiences of people'. This style of interviewing afforded me to conduct free-flowing conversations with my participants, giving me the opportunity to transcend the set research boundaries. By conducting in-depth interviews, I was able to glean the ways in which research participants viewed their social worlds and what they saw as relevant within them (Bryman, 2012). Qualitative research is influenced and indeed, oftentimes, enriched by the researcher's interests, moods, experiences, personality, and biases. Scott (2002) argues that all researchers operate within their distinct theoretical space which impacts how they collect and handle the data. No research can be done with complete objectivity – people looking at the same event may understand it in entirely different ways. The nature of qualitative research often involves direct, lengthy and elaborate contacts with participants where the presence and personality of the researcher are often reflected in the interview process.

The interviews conducted for this research were semi-structured in that there was a prepared list of questions to be asked of the interviewees but the interviews themselves went above and

beyond this list. Magaldi and Berler (2020, p.4825) call semi-structured interviews a 'conversation' in which the researcher knows what ground she/he wants to cover and is in possession of 'a set of questions and a foundation of knowledge to help guide the exchange'. Semi-structured interviews take a 'hybrid approach'; they follow an interview protocol comprised of open-ended questions but also give the interviewer plenty of opportunities to probe into the emerging findings (Knox and Burkard, 2014). Adopting a semi-structured interview format allowed me to refer to a set of questions during the interviews while offering me the latitude to move away from them when needed. I used an interview guide containing a list of memory prompts of areas to be addressed. Given that this is a sensitive and under-explored topic, it was useful to have these prompts as they ensured that the interview questions were asked in a sensitive and respectful manner. My choice of methodology reflected my emphasis on creating a safe space in which participants felt comfortable reflecting upon their experiences of stigma (Fylan, 2005), while making it possible for me to obtain an in-depth understanding of the topic at hand (Polit and Beck, 2010). Moreover, the reason I selected in-depth, one-on-one interviews over focussed groups was because the former method enabled me to discuss a sensitive topic, involving discussions on sex, gender and the law in an environment where participants felt safe and where their privacy was respected.

Semi-structured interviews enable a certain amount of digression that a standardised interview does not always permit. It gives a level of freedom to the interviewer to explore the topic as per their own sensibilities and allows the interviewees to think and respond on their own terms. Taking into account the fact that interviewees are often forming answers as they speak, and that their responses may not always emerge from a rigid and preformed opinion, semi-structured interviews can be designed to be dynamic, taking shape and changing course based on interviewees' responses. Furthermore, in contrast to a standardised interview where questions are asked in a particular order which is consistent across the sample, the flow of a semi-structured interview typically varies both in order and in content, depending on participants' responses. My rationale for using semi-structured interviews was therefore twofold: to explore different paths as new information emerged through participants' responses, as well as to attain a degree of flexibility in the wording of the interview questions and the sequence in which they were asked (see also Hill et al., 2005; Knox and Burkard 2014; Mason, 2017).

Johnson and Clarke (2003) contend that research on sensitive topics affects the mood and personality of the researcher much in the same way that the researcher's subjectivity impacts their research work. While carrying out these interviews, the stories of some of the participants appeared very vivid and real to me (see also Davis and Spencer, 2010; Dwyer and Buckle, 2009). Research participants often made digressions during the interviews to talk about their relationships with their family and friends. An example that stands out in my memory is that of Nelly, who, during one of the interviews, went on to describe the change in her family dynamic once she came out to them. Ever since she revealed her gender identity to her family, her older brother stopped talking to her, refusing to send her an invitation to the ceremony held when his son was born. Nelly's estrangement with her family, particularly with her older brother, with whom she had shared a very warm and loving relationship prior to coming out, had a 'disastrous' impact on her mental health. Upon hearing her story, I could not help but hold her hand and tell her that things would eventually get better between her and her brother. The moment Nelly felt my touch, she reacted with genuine surprise. With tears in her eyes, she responded, 'Ma'am, no one….no one like you…has ever held my hand like this'. I was overcome with emotion upon seeing her reaction. Although I had not done anything particularly worthy of mention, the mere gesture of holding her hand had made Nelly feel that her humanity was recognised, and her reaction served as a powerful reminder of how members of society, including her family, kept her at arm's length.

According to Dwyer and Buckle (2009), qualitative researchers inhabit an 'in-between' space within the research environment – which is neither of an insider nor of an outsider. The authors describe positionality as a territory where the researcher does not operate in absolutes, instead, they inhabit a liminal space which circumvents the insider/outsider dichotomy. The intimacy of a qualitative researcher with their participants does not permit them to remain complete outsiders. Conversely, their role as researchers does not allow them to become complete insiders. To assume that the researcher can be either an insider or an outsider would be to oversimplify their positionality. Indeed, in qualitative research, the researcher assumes a dual position that allows them to be both similar to and different from their research participants. The space in-between is about radically accepting two realities and holding two differing positions simultaneously (Dwyer and Buckle, 2009).

In becoming involved with community events at Basera, one of the key NGOs I recruited from, I was able to transition from being an objective observer or a detached 'outsider' to a position closer to being an insider, engaging in meaningful exchanges with my participants rather than merely conducting interviews. This position added openness, reflexivity, and compassion to the research. While establishing their positionality in the research, the researcher must understand that 'people's culture and practices can be so different from and interestingly so similar to who we are' (Kanuha, 2000, p. 445). In my case, I was an 'outsider' in the sense that I did not identify as a gender or sexual minority in India. I was an outsider also because the majority of my participants came from working-class backgrounds whereas I came from a more privileged background. But at the same time, I was also, to some degree, considered an insider because I grew up in Delhi, spoke Hindi, the participants' native language (in a majority of the cases) and had visited and volunteered at Basera sufficiently to be considered more than 'just a researcher'.

Many feminist researchers have advocated for a participatory model that aims to produce 'non-hierarchical, non-manipulative research relationships which have the potential to overcome the separation between the researcher and the researched' (Reinharz, 2002). If qualitative research is about stories of people's lives, then it should necessarily involve bilateral story telling. Oakley (1981, 2016), for example, invites researchers to make research more interactive, and lively by bringing aspects of their personality into the research by talking about their lives and research work, sharing knowledge and experience, and giving support when asked. In her discussion on researcher's positionality, Acker (2000, as cited in Dwyer and Buckle, 2009, p.62) asserted that the 'insider-outsider question cannot fully be resolved and that perhaps it is necessary not to bring this issue to a close but to find a way to work creatively within the tensions created by the debate'. My work with gender nonconforming people was a challenging one both in terms of understanding my positionality as a researcher as well as being able to slide on the insider-outsider scale during the course of the fieldwork. It was also an important learning experience for me, I learnt how to connect with people, how to be a better listener, how and when to narrate my own stories, and how to react to people's stories. Not every learning came easily to me, some were more challenging than others. I found managing people's expectations, setting boundaries, and promoting a clear understanding of the timeline at which I was going to work, somewhat challenging to deal with. In the end, though, these

challenges were surmounted by cultivating good working relationships, and in some cases friendships, with my participants.

**Conceptual Design and Research Planning**

This thesis builds on and broadens my previous engagements with issues concerning gender nonconforming people in India, both in the modules I undertook as a Masters student at the University of Delhi and at the University of Cambridge where I explored stigma and discrimination faced by hijras in a small-scale study. These early scholarly engagements with the topic were helpful in building networks which subsequently proved to be useful in gaining access to research participants for my PhD.

Before travelling to Delhi, I drafted five iterations of the interview questions which were revised during the supervision meetings leading up to the fieldwork. The interview questions were practiced twice – the first time with a colleague and the second time with friend. My colleague identified as British and gay and had conducted research with gay men/MSM in China. My friend identified as a straight Indian male and had previously done volunteer work with the hijras in Mumbai. The trial sessions gave me some practice with conducting interviews, along with providing insights into similar research work done elsewhere. However, since both participants in the trial interviews were not experientially close to my actual research subjects; these sessions could not be considered as pilot studies. Instead, the purpose of the practice interviews was to ascertain the amount of time required to conduct an interview as well as getting myself acquainted with interview techniques such as asking follow-up questions, dealing with silences, putting forth icebreakers. These trial interviews were transcribed and then reflected upon during discussions with my supervisors, following which the interview schedule was revised a final time before the fieldwork to make sure it covered all the research themes (the final version prior to the start of the fieldwork is presented in Appendix B).

To prevent the premature closure of alternative avenues of enquiry, I framed my interview questions with a certain degree of flexibility. For example, when questioning participants on matters related to their sense of identity, instead of asking – 'What do you identify as?' I asked them, 'What would you like me to call you?' or 'What do your friends at Basera call you?' or 'What does your family identify you as? Are you happy with it?' Flexibility in the interview

process reveals aspects of personalities and worldviews of participants that might remain under- or misinterpreted within the rigid setting of standardised interviews. I noted that asking questions that were not directly related to the research but pertained to participants' daily lives or their childhood motivated the relatively quieter participants to become more involved in the interview process. For instance, one of my participants, Kaveri, was quite responsive when I asked her questions about her family, her childhood and hopes for the future but remained quiet during the rest of the interview. Instead of pushing her to answer all the questions in one session, I broke the interview into two: on the first day, I let her speak about the things that she wanted to discuss and on the second day, when she was more comfortable in my presence, I asked her the remaining questions. I saw potential in interviewing Kaveri at a slow pace, and so I decided not to interfere with the natural flow of our conversations, letting her speak as much as she wanted to about things that she was passionate about. This strategy was adopted with Kaveri and a few others when the timing worked out, but it was by no means the norm.

Speech plays a vital role in the research – a term can take on different meanings in different contexts. A fine-grained analysis of talk and micro-expressions of the interviewees is vital to qualitative interviewing. Spoken words and utterances including phrases and sounds depend upon the context in which they are used and are constitutive of the social world in which they are located; therefore, understanding the contextual meanings of words is vital to conducting qualitative interviews. An understanding of the ways in which a group converses is also essential in presenting their communal lives from an academic perspective. The interviewer 'has to figure out the special new vocabulary and taken-for-granted understandings within the setting' (Schutz, 1967, p.74). These understandings can be 'expressed through specific symbols and metaphors that suggest how people interpret their experiences and how they deal with others' (Rubin and Rubin, 1995, p.213). *Hijra Farsi or Koti* is a secret code language spoken by hijras throughout North India. During the interviews, I tried to comprehend the hijra argot, understand why certain words were being repeated frequently, and the thought process behind their use. 'Awareness of jargon facilitates interactive dialogues between the interviewer and interviewees and is a step towards understanding complex individual and social behavior' (Wallace, 2016, p.5). A range of new words became part of my interview lexicon as I progressed through my fieldwork. These words were acquired while observing my participants as they interacted with each other in their everyday social environment. While taking part in Basera's cultural events, I made a mental list of *Hijra Farsi* words that I was not able to

understand. Whenever I had the chance, I asked participants who were close to me of their meanings. The application of *Hijra Farsi* in my questions, lightened the overall mood of the interviews and arguably helped participants feel more at ease with the questions.

In navigating sensitive topics, the use of hypothetical scenarios or what Peter Rossi (1982, 1985) calls 'vignettes' can help a researcher ask questions in a relatively depersonalised way. Finch (1987, p.105) describes vignettes as 'short stories about hypothetical characters in specified circumstances, to whose situation the interviewee is invited to respond'. The use of vignettes renders a fairly neutral, less personal, and less threatening way of addressing delicate issues by expanding the focus from phenomenological experiences to more relatable yet depersonalised ones (Jenkins et al., 2010). For particularly sensitive topics within this research – such as participants' experiences of coming out to their families, encounters with harassers and bullies, and issues related to mental health – the use of imaginary scenarios made it easier for me to ask questions and for them to provide an answer. A range of hypothetical scenarios and characters were thus presented to participants, sometimes spontaneously, sometimes as part of the interview schedule to gauge how they might navigate through them. The use of this technique gave my participants a certain amount of confidence to discuss sensitive matters by eliminating some of the inhibitions associated with direct, personalised questions. As an example, when asking questions pertaining to gender nonconforming people's experiences of harassment, participants were often provided with locational contexts such as cruising sites, public transport and workplaces and asked to speculate on the experiences of a nonconforming person within those contexts.

**Funding**

I conducted a six-month long fieldwork for the purposes of this research from September 2017 to March 2018. A number of factors aided my early immersion in the field, such as my knowledge of the local language, my background of having grown up in Delhi and my previous engagement with the field during my Master's degree. Despite these advantages, a number of factors remained unknown at the start of the fieldwork, including the time taken to establish contact, build a good rapport with the participants, and obtain a good sample size so as to generate rich and meaningful data (see Appendix C). Considering these variables, I had purchased flexible tickets to accommodate for contingencies that might arise due to the interplay of any of these factors, which might alter the course of the fieldwork. This research

was supported by the 'fieldwork fund' offered by my funding agency – the Research Training Support Grant (RTSG). This was used to purchase economy return tickets to Newcastle, buying a dictaphone, and other local costs such as serving refreshments to the participants, and paying them some *baksheesh*[37] for their time.

**Getting Settled in Delhi**

Upon my arrival, I immediately faced reverse culture shock with the rising air pollution and noise levels in Delhi. It took me a couple of weeks to get used to the motions of life in the city and feel confident about starting the fieldwork. I used these two weeks to think about the fieldwork within the context of the city – in terms of logistics, safety, and the commute involved. This period was also used to take membership at the British Council Library in Delhi – a comfortable workspace from where I would be writing my thesis for the next six months. Having a designated workspace and working there regularly made me feel more grounded to the field. During this period, I also gathered the research paraphernalia I needed, including office supplies, multiple copies of information sheets and consent forms (see Appendices D and E), and a field notebook.

A couple of weeks after arriving in Delhi, I attended a Queer Slam Poetry contest held at a newly opened Queer Café in the city. The poetry event brought queer-identifying people (mostly elites) together in a safe environment where they could share their poetry and aspects of their life with others who faced similar challenges. I attended the event to get a taste of queer culture in Delhi, update myself with the recent discussions and debates around the Transgender Bill, and perhaps find an entry point to the research. Despite all the information I gained from attending this event, I felt alienated and unable to form connections in a crowd where everyone seemed to know each other. During one of the poetry sessions, the person sitting next to me asked in very direct terms, 'Do you identify as queer or do you consider yourself an ally'? Unable to find the right answer, I muttered nervously 'an ally…I think'. 'No worries', they said, disappearing in the crowd. As disheartened as I was, I consoled myself thinking that this

[37] *Baksheesh* refers to the giving of gifts in return for a favour; and it is an accepted form of exchange in the cultural context of India.

event was not directly related to my work, taking heart in the fact that in a city like Delhi there would be plenty of opportunities to network with the 'LGBTQ community'.

My next destination was an NGO called Kalpana[38] (name changed) which works to promote rights, access to healthcare, education and legal resources in a stigma free environment, and promote community building through networking and advocacy. Upon visiting their office, I was informed that the only way I could collaborate with them would be by working as a volunteer. This would not have been a viable strategy, as committing to a part time position for a period of six months would have severely compromised my fieldwork. I bowed out of the role and decided to look for alternative routes to access research participants.[39]

**Recruitment Routes**

The recruitment of participants for this research took place through a CBO, Basera and four NGOs, HIV Alliance, Naz Foundation, Humsafar Trust and Nazariya. All of these, except for Nazariya, are key political players working in the field of sexual health advocacy and transgender and gay rights activism in India which helped in gaining access to participants for this project. As this research was conducted outside the European Union, I was responsible for seeking a range of permissions for carrying out this work as well as complying with the local customs. From my previous experience, I knew that negotiating access through emails may be problematic as written words can often be misinterpreted. I was confident that I would be able to negotiate access more readily in person as I could explain my research more clearly, while being culturally sensitive. The first phase of my fieldwork was thus dedicated to exploring the field and negotiating access with NGOs. During the planning stage, I kept the overall design of the fieldwork flexible in order to allow for unexpected changes in participants' schedules and commitments. I used a range of routes to recruit participants – some recruitments took place spontaneously as participants came forward, stating that they wished to take part in the

[38] Name changed as I decided not to gain access to participants through Kalpana due to the terms set by them.
[39] The reason I agreed to volunteer at Basera was because, unlike Kalpana, Basera did not expect me to work on a regular basis i.e. 2-3 days a week. Although I would have liked to give back more substantially to the organisation from where I collected data, a long spell of intensive volunteer work in conjunction with my regular fieldwork would have been very difficult to commit to, considering the PhD timeline. Moreover, the work involved in Basera was, on the whole, more feasible to execute than the tasks presented to me at Kalpana, which involved sensitising community members on HIV and social issues, giving talks and lectures and maintaining daily records of the tasks completed.

research, others were facilitated through Baby (TG, 23), Silky (TG, 22) and Priya (TG, 23) who worked as outreach workers at Basera, and Rani (TG, 29) who worked as one of the program managers. Finding clear entry points through gatekeepers[40] reduced what would have otherwise been a lengthy waiting period, given that my participants led very busy lives. The fieldwork was originally planned for seven months but since I had obtained rich data at the end of six months, it was decided that I would return to the UK a month earlier. My interviews at Basera were spread across the entire duration of the fieldwork, with visits scheduled two to three times per week. The other NGOs were visited fewer number of times: Naz, HIV Alliance and Humsafar Trust were all visited three times, whereas Nazariya was visited only once [41].

The following is a short description of the various places from where the interview data was collected,

- My first point of entry was HIV Alliance which is an International NGO, working with issues such as HIV, sexual & reproductive health, human rights, governance, management, finance, resource mobilisation, research, advocacy and communications. The main office of HIV Alliance was contacted via email and a phone call, requesting for interviews with activists, Seema (Hijra, 39) and Arya (Hijra, 40). Both activists agreed to be interviewed and both interviews took place within the premises of HIV Alliance.
- HIV Alliance oversees the functioning of its community-based organisation (CBO) – Basera, which acts as its performative end. At Basera people socialise and discuss issues like family problems, experiences of discrimination, sexual partners, legal issues, safe sex and HIV prevention. Twenty-seven participants (seventeen outreach workers and ten visitors) were interviewed at Basera. Recruitment of participants at the CBO took place primarily through snowballing.

[40] Some authors have expressed concerns regarding the use of gatekeepers in social research, including restricting conditions of entry, limiting access to data, defining the problem area of study, and restricting the scope of analysis (see, for example, Broadhead and Rist, 1976; McAreavey and Das, 2013). These issues did not pose a problem to my research as the gatekeepers were essentially involved in granting entry to their organisations and never demanded access to the interview data or put any conditions on its analysis and publication.

[41] These NGOs were not gatekeepers to the bulk of the research participants. My intention of visiting these NGOs was to interview activists working there, most of whom worked at international advocacy networks.

- *Dera*[42] – Through Basera, I was able to gain access to a hijra *dera* and interview two participants, Sadia (TG, 20) and Wadia (Kinnar/TG, 40). However, due to concerns regarding issues of safety and privacy, I decided not to pursue this route any further and continued to interview TGs, MSM and hijras at Basera.
- Naz foundation was the third NGO to be contacted for this research. The organisation is known for its Public Interest Litigation (PIL) against Section 377 (2000) in the aftermath of arrests of some of its employees for carrying out outreach work in the city of Lucknow (see page 17). Many claim that the Delhi High Court's decision to repeal Section 377 in 2009, was the outcome of Naz's long battle against this archaic law. At Naz's Delhi office, I interviewed transgender model, Moira, who worked for the foundation at the time and had featured in a number of advertisements, documentaries and movies.
- My three visits to Naz involved attending various workshops which led me to find out about another NGO called Nazariya, which primarily dealt with the issues faced by people assigned female at birth (FAB). Recognising that the needs of queer FABs are far too specific to be addressed by the leading LGBT organisations, Nazariya works on individual cases of discrimination faced by them. After going through Nazariya's Facebook page, I decided to touch upon the perspectives of queer FABs in this thesis. While including the voices of FABs was not part of the initial research plan, the fact that this work explores how gender nonconforming people draw boundaries (including with lesbians and transmen[43]) means the perspective of people identifying as queer people (assigned female at birth), I reckoned, might be an important consideration. An email was thus sent to Nazariya requesting an interview. The manager agreed to be interviewed together with a junior member. A small group interview at Nazariya's Delhi office was arranged where the struggles of FABs, their idea of community, their relationship with other members of the LGBT community, and their political activism were discussed.
- My final entry point was Humsafar Trust which is largely a Mumbai based NGO but has a branch office in Delhi. Founded by Ashok Row Kavi in 1994, it is one of the

[42] While some participants used the terms *dera* and *gharana* interchangeably, others pointed out that a *dera* was different from a *gharana* in that while it was also a residential quarter of the hijras, it was more diverse (for example, Sadia identified as a TG while living in a *dera*) and less structured than a *gharana*.
[43] Essentially anyone whom they perceived as a 'woman' or born as a woman.

largest and most active LGBT organisations in India. It provides counselling, advocacy and healthcare to LGBT communities and works towards reducing violence, discrimination and stigma against them. An email was sent out to Humsafar Trust requesting permission for interviewing the activists working in their Delhi branch. Branch Manager, Rohit, immediately got back to me asking for an 'interview request letter' from my school 'providing a brief description of the research'. A letter was drafted and sent out to the NGO and within a matter of days I was able to interview the branch manager as well as an international activist working at the Trust.

- Approaching human rights lawyer, Daniel, for an interview was a multi-step process. I had contacted Daniel on Facebook and provided him with a summary of my research work and methodology six months prior to the fieldwork. After settling in in Delhi for my fieldwork, I was able to set up a meeting with Daniel at a cafe where he discussed his activism and responsibilities as a human rights lawyer. Valuable in its own right, this was only an informal talk and not an interview. I kept pressing Daniel for a 'proper' interview until one day I happened to chance upon him at a theatre performance. I asked for his phone number and he was happy to share it with me. A phone interview was thus arranged for the following week, and my interview of Daniel was limited to this phone conversation.

**Sample**

A combination of convenience and snowball sampling was used to recruit thirty-seven participants including eight activists, seventeen outreach workers, ten visitors at Basera and two people living in a *dera* (see Appendix C). The fieldwork took place in the National Capital Region of Delhi – the city where I grew up and was reasonably familiar with. Owing to my previous contacts, I was able to gain access to Basera and Naz relatively easily. This research therefore involved working on a new and sensitive topic in a relatively familiar environment. Before entering the field, my inclusion criteria required that all my participants either identify as a hijra or as a TG. Upon entering the field, however, I observed that the majority of the participants identified using more than one identity category. This seemed to be consistent with the social constructivist notion that lived identities are complex and context-based, and that people inhabiting dynamic and sometimes conflicting situations generally identify using more than one identity category. After discussions with my supervisors, I decided against placing

any restrictions on participation based on participants' identification, apart from the condition that they saw themselves as a gender nonconforming person. Although most participants identified as TG or transgender at the time of the interview, some of them admitted to having identified as a hijra or gay at some point in their lives.

Participants primarily comprised individuals labelled male at birth, who were between 18-45 years of age and spoke either Hindi or English. The rationale for this was to capture the potentially diverse understandings of identity and community across a range of age, hierarchical and generational backgrounds. While my research participants were all based in Delhi, they hailed from different parts of the country – it was therefore important to remain sensitive to India's substantial dialectal and idiomatic diversity. In addition to the this, two queer-identifying persons assigned female at birth were interviewed. As mentioned earlier, the decision to interview queer FAB was not part of the original plan but I decided to include their voices and opinions upon gaining access to Nazariya in order to explore the making and unmaking of boundaries by people assigned female at birth.

It was important to be sensitive to participants' education levels; some participants had not received any formal education, which had an influence on their use of language and the manner in which they narrated their experiences. However, most of the participants had received informal lessons pertaining to hijra community norms, gestures, code language, and safe sex practices from their group members – lessons that formed a broad symbolic base from which they drew resources to make sense of their experiences of stigma (Lamont, 2012, 2013). While the sample comprised participants from a variety of religious persuasions, the majority were recruited through Basera and they typically aligned with the hijra belief system after joining the CBO, regardless of their birth religion.

**Safety**

My selection of an urban city, Delhi, as the research site was based on some general concerns around my safety and wellbeing during the fieldwork. As I was a lone, female fieldworker working on a sensitive topic, I had to address my own safety first and foremost in order to keep both myself and my participants safe. After regular discussions with my supervisors, it was decided that I would conduct this research in Delhi – the city where I had grown up, where my family was based and where I felt most comfortable working. Although every place has its

merits and downsides, for an outsider, the rural setting can be hard to discern as it brings with itself a set of unknown factors concerning caste, class and gender norms. Even though I found myself in quite a few uncomfortable situations during the fieldwork (such as being at the receiving end of uninvited and unwanted sexual attention while working on my thesis at a library or a café), having grown up in Delhi, I was familiar with how to get help when needed and consequently, how to keep myself safe throughout the duration of the fieldwork. This research involved working with marginalised individuals in a metropolitan city which meant that it would have been inappropriate to conduct the interviews in public places like cafes and library rooms where my participants could be exposed to those who were hostile towards them. Hijras, along with other gender minority groups, generally reside in their special residential quarters known as *deras* which are located in certain specific slums within the city. Having little knowledge of these quarters, I decided against conducting my interviews in them, primarily due to concerns about my level of familiarity with the setting[44].

Bearing in mind the safety of my participants and my comfort level, I sought permission from the managers of Basera, Nazariya, HIV Alliance and Humsafar Trust to conduct the interviews within their premises during regular operational hours i.e. between 9AM and 5PM. When I was unable to complete an interview during a given session, I followed it up at a later date instead of staying on and keeping my participants until late hours. A separate work phone was used for the purposes of this research and its number was provided to all potential participants. The information sheet (see Appendix D) and consent forms (see Appendix E) were personally handed to everyone present at the briefing sessions that were held at Basera, and copies of these forms were left at the premises of the NGOs (see p.75). Potential participants could get in touch with me with their queries through the phone number provided on these documents; in the case of Basera, they could get in touch with the manager who had agreed to direct participants' queries to me. There were primarily two categories of participants at Basera:

- the outreach workers, who were employed by the CBO to carry out HIV/AIDS awareness and testing, and
- the visitors, whose official purpose of visit was to get tested for HIV and other STIs but informally, they liked to spend some time and talk to their peers and friends at the CBO.

[44] Except for Sadia (TG, 20) and Wadia (Kinnar/TG, 40), who were interviewed at a *dera*.

Outreach workers agreed to participate in this research during their daily breaks which lasted for about an hour. Hijra and TG visitors also participated during normal work hours, but they seemed to be more flexible in terms of time. Both categories of participants were very involved in the project and wanted their voices to be heard by an international audience.

**Challenges at the Beginning of the Fieldwork**

The majority of the participants were recruited through the CBO, Basera, an offshoot of HIV Alliance. The CBO derived its funding and finances from the larger NGOs in the city and did not have the resources and space that some of the others possessed. As a result of this, most of my challenges related to the fieldwork concerned Basera, and not the other NGOs where I only visited a few times. My first few days working as a field researcher at Basera were fraught with worries, prime among them being the interview process itself, particularly with the hijra elders. In the past, members of the CBO had encountered researchers who had a habit of provoking the elderly hijras on sensitive matters by asking deeply personal questions. More problematically, the majority of these researchers had cut ties with the CBO once their research came to an end. Given participants' unpleasant encounters with some researchers in the past, I wondered how they might perceive me. I wondered what their expectations might be from me. Would they expect my support as an 'ally' at LGBT marches and rallies? Would they expect me to stand outside the gate of the Supreme Court when a crucial ruling is adjudicated? Or would they expect me to remunerate them financially? The answers to these questions varied. A few of my participants, for instance, asked me to march with them on the streets during LGBT Pride in Delhi. One of my participants, lovingly asked for my lipstick and wore it on many occasions during course of the fieldwork. Many, however, did not expect anything in return but I gifted two saris and a few items of jewellery as parting presents to the outreach workers working at Basera[45].

The second challenging aspect of this research had to do with my social status, class and categorisation as an 'English speaking person'. Most MSM, TGs and hijras who took part in this research came from working-class backgrounds while I was identified as an 'upper-class' person by them. While our difference in class positionality did not appear to affect participants' willingness to talk during the interviews, it was something that both they and I were aware of.

[45] The saris and jewellery were gifted to the organisation and were meant for communal use.

From the differences in our social classes, emerged a range of other identarian differences, including language and educational qualifications. While Hindi was used as the primary language of communication, some participants used a variety of non-standard English to convey their point during the interviews. Although I am fluent in both Hindi and English, participants' use of the two as a combined language was, at times, as one would expect, not very easy to translate. Despite our differences in class and language, for the most part, participants answered the interview questions without reservations, presumably because I was able to establish a degree of trust from the start of the fieldwork.

The third issue arose when I started conducting the interviews. Basera is located in an industrial neighbourhood with a lot of ambient noises. The machines from the nearby small-scale industries ran all day long, causing disturbance in the background. When the machines did not run, the rooms remained very quiet which made it difficult to shield participants' interview answers from their peers. For the most part, participants did not seem to be bothered by the fact that their peers could sometimes hear them when they spoke loudly or emotively. When this was addressed during the supervisions, my supervisors advised me to explore the option of conducting the interviews at a meeting room of a moderately priced hotel. I went to four different hotels on the outskirts of Delhi, which were in close proximity to the CBO. The first hotel that I visited required me to book their office space for the entire workday as their policies did not allow clients to book rooms by the hour. This was not a viable option for me as I only needed the space for a maximum of three hours per day with the intention of conducting up to two interviews in a day. The second hotel was also not a viable option as it had an open floor plan which would have compromised participants' privacy. The third hotel called itself a 'family hotel' and declined facilitating my research with 'the hijras'. The fourth and final hotel did not have a meeting room, but the manager suggested that I rent two inter-connected rooms where one of the rooms could be used for conducting the interviews while the other could be used as a waiting area. Although this seemed like the best option of the four hotels considered, there were a few logistical issues that needed to be re-evaluated before booking a room. Firstly, in order to conduct the interviews at a hotel, I would have had to chauffer participants from Basera to the hotel every day. I would have also had to ensure, as best I could, that participants were comfortable while they waited for their turn in the waiting room. And finally, I would have had to pay close attention, all day long, towards the behaviour of the hotel staff with and around my participants. Considering these limitations, I decided not to rent a room at any of

the hotels. In the end, all of the interviews were held at the beauty parlour adjoining Basera which was run by its members and was relatively shielded from the ambient noises from outside and afforded a greater degree of privacy. For all other NGOs, interviews took place in designated office spaces within their premises.

**Ethical Concerns**

This research has been conducted following the ethics standards of the British Sociological Association as well as the standards required by Newcastle University. The Ethics Committee of Newcastle University approved the project in July 2017, a couple of months prior to the start of the fieldwork. Marshall and Rossman (2014) maintain that qualitative interviews can pose a number of ethical issues, depending on the nature of research and the people involved in it. This is especially true if the research is of a sensitive nature. It is a researcher's responsibility to uphold a high level of confidentiality and anonymity – particularly if they are interviewing marginalised and/or vulnerable people. This research focuses on gender nonconforming people, one of the most disenfranchised groups in India whose lives are significantly impacted by extreme violence, unjust legal and moral codes and systemic stigma. At the time of interview, a majority of the research participants had experienced one or more of these problems, which had caused trust issues in them. According to Orb et al. (2001), explaining the research aims and objectives is crucial to alleviating issues of trust and promoting a healthy dynamic between the interviewer and the interviewees. While conducting qualitative interviews it is important to acknowledge participants' agency and voice, as well as taking into consideration the local ethos of the context in which the interviews take place (Marshall and Rossman, 2014). In order to establish trust, participants needed to be reassured that their voices were safe with me, this was done by explaining to them the ethical practices of safe data handling and confidentiality. Due to the sensitive nature of the interviews, I had to choose my words with extra care and attention as the use of certain words or sentences could make my interviewees uncomfortable. By the same token, it was also necessary to regulate my tone and modify my language as per the temperament of the research participants.

The first step towards conducting an ethical fieldwork is for the researcher to know and understand their social position in relation to that of their research subjects, this includes acknowledging their privileges and being sensitive to the lives of the people they are working with. Hijras are seldom gainfully employed in India, depending upon street begging

*(dheengna)*, performing at ceremonies *(badhai)*, or sex work *(raarha)* for their livelihood. Consequently, it felt like a moral obligation to compensate them monetarily for their time, though this was kept to a minimum as I recruited participants through gatekeepers.

I went to the field with a sense of trepidation, thinking what my participants might expect from me at the end of the fieldwork. The issue of reciprocity was brought up multiple times and in multiple ways by the research participants. What do researchers do for the people they work with – is a question that many qualitative researchers grapple with as they navigate their fieldwork (Harrison *et al*., 2001). A researcher may never completely understand their participants' predicament, how their sense of stigma governs their lives, or what they could achieve in life without being impacted by stigma or what it means to be someone without access to basic material and symbolic resources. But a researcher can try to approach their research subjects from a position of care, concern, as well as genuine curiosity. A researcher may not be in a position to help their participants in any material way, but they could try to be a supporter of their causes and activism. Since the completion of the fieldwork in March 2018, I have remained in touch with some of the participants, closely followed Supreme Court judgements on LGBT rights, and advocated for their rights in protests and rallies.

At the beginning of the project, briefing sessions were held at Basera with potential participants regarding their short- and long-term expectations from the project. While the majority of the participants were happy to share information without expecting any monetary or material compensation in return, it was only fair to offer them *baksheesh* (see page 65) for their help. As additional voluntary compensation for their time and help, I worked at the CBO in an unofficial capacity – maintaining their attendance register and helping them organise their daily and weekly tea parties. Working at Basera gave me the opportunity to observe its activities as an 'insider' or at least, hopefully, less of an outsider and gain an emic perspective on their challenges. The success of this project greatly depended on being able to establish a certain level of trust and comfort with the participants. When participants started seeing me as volunteer as opposed to a brief visitor, it seemed to me that many of them felt comfortable sharing their stories and having frank conversations with me during the interviews. This also allowed me to observe them at their workspace – how they liaised with other government and non-government bodies, conducted their advocacy work, and tested community members for HIV/AIDS. Furthermore, this observational task helped me better understand their political

activism and social causes from a position within the organisation. In the interest of time, I kept my official engagement with the CBO to a maximum of three hours per week, this made sure that I did not lose focus from the interviews and their analysis.

**Information Sheet and Consent Form**

It is the researcher's obligation to ensure that their participants are fully informed about the research methodology, that they do not experience any distress or unease during the course of the study and feel respected at its completion. Given how society treats gender non-conforming people, a few participants were initially wary about participating in this research. To help them understand my work, I acquainted them with its aims, methods and code of practice, answering all their questions pertaining to it. Three briefing sessions were held over a span of a couple of weeks at Basera where prospective participants were provided with information on the nature of my research and my educational background. This information was also provided to them in writing in the form of an information sheet (Appendix D). The information sheet took them through every step of the research and contained vital information pertaining to the ethical practices of confidentiality, anonymity and safe data handling. Prospective participants were provided with my contact details so that they could get in touch if they were interested in taking part in the research. It was made clear right from the start that participation was entirely voluntary and that participants could drop out of the project at any time without offering an explanation. For all other NGOs – HIV Alliance, Naz, Hamsufar Trust and Nazariya, briefing sessions were conducted over the phone and the information sheet and consent form (see Appendix E) were sent out via emails or personally handed to the activists. Being very busy, the activists working at these NGOs could not agree to participate in an in-person, one-on-one briefing session but offered to be interviewed without any hesitation.

While seeking consent from hijras, MSM and TGs, it was important to remain alert to their education levels. Some participants lacked formal education, and therefore there was no straightforward way for them to provide consent. Some other participants, who could read and write, were reluctant to give written consent due to concerns about their safety and privacy. Given such limitations, verbal consent was obtained from these participants before they were interviewed, this included approval for audiotaping the interviews. A digital dictaphone was used to record interviews which remained with me at all times. The audio files on the dictaphone were transferred to my password protected computer after every visit to the CBO

to prevent the accidental loss, destruction or damage of data. Instead of using their actual names, participants were identified using pseudonyms in the interview transcripts, this ensured complete anonymisation right from the start of the project. All interviews were translated by me, and therefore, no one else was privy to the data in the field. Upon returning to the UK, I worked with my supervisors (who were not privy to participants' personal details) to add further layers of protection to my data before it was deemed safe to be presented at a conference or in this thesis. Until then only my supervisory team and I had access to the interviews, which were stored in a locked filing cabinet both at my home in Delhi and at the University.

**Doing the Interviews**

Twenty-seven interviews took place at Basera in Noida or Gautam Buddha Nagar, two interviews were conducted at Humsafar Trust, one at Naz Foundation, a group interview of two participants took place at Nazariya, two at HIV Alliance, one at a café and two at a *dera*. I introduced myself to the participants as a PhD student at Newcastle University in the UK. A briefing session was held in Basera where community mobilisers and visitors were explained the purpose of the project. Those who were interested in taking part in it, attended a second briefing session where they were taken through the methodology and some sample interview questions. A few outreach workers I met during this fieldwork knew me from my previous contact and had been interested in the project from the start. The first few days were therefore invested in rekindling old friendships and understanding the power structures and hierarchies within the CBO. It is perhaps important to note that all the interviews took place when Section 377 was still a law in India. Had I conducted the interviews a year later when same sex relations were no longer a criminal offence, participants may have given different answers to some of questions as their expectations from society may have been somewhat different.

Research with gender nonconforming people can be a very enriching experience if the researcher recognises their participants as social actors with agencies and not merely 'victimised subjects' who have no control over their situation. During my fieldwork, I had many spirited conversations with participants who controlled the interviews to a great degree. Conducting qualitative interviews means adjusting with the interviewees' schedule, their mood and their problems. Some participants, for example, wanted to talk about their childhood homes, their parents, brothers and sisters, instead of discussing the law or their activism. While in most instances I tried to redirect my participants to the interview questions, sometimes I saw

value in letting them speak about their lives on their own terms. This was especially true while interviewing participants with strong personalities where it was not particularly easy for me to control the direction of the conversation. Some participants provided very short or truncated answers which led to many gaps and uncomfortable silences during the interview. In such a situation, using a conversational approach rather than a rigid interviewing technique helped to keep the interview moving forward. I used my discretion to decide when it was appropriate to give prompts and when it was not. When asking direct questions elicited silence, I found it helpful to use real life scenarios to contextualise them. Finally, using imaginary people to work out imaginary situations gave some participants the critical distance to explore the situation, producing tangible discussions around it (see page 64). I was aware that explaining a question beyond a point, would risk influencing their responses, and I therefore had to decide to simply let a question pass if interviewees were unable to answer it. Each day offered me something new to learn and after my day in the field, I journaled my daily observations either in my notebook or as an audio-file. It took me a while to perfect my interview style, and in this regard, my field notes helped me reflect on the interviews so that I hopefully did not commit the same mistake in subsequent interviews. The practice interviews with friends also helped me think of some icebreaker questions as an interviewer cannot dive straight into the interview, especially in sensitive research topics, without first making participants comfortable in the interview setting. Some of these questions were - what do you like to do in your free-time? How often do you come to the CBO? How did you come to know about it? What do you like about the CBO? Along with these questions, I found it helpful to compliment participants on their choice of clothing and accessories to break the ice.

I recognised that all participants were different; some liked to talk more than others, some did not like to reveal much, and some were friendlier than others. While asking questions I took into account participants' mood, looking at cues of reticence, boredom, stress in their body language. The majority of the participants had a friendly demeanour. However, one participant, rightly so it seemed, expressed some doubts about taking part in the research, as she said 'people like me' did not accept her. After listening to her grievances, I attempted to validate her feelings, telling her she was right in feeling the way she did about the wider society. I also tried to convey to her that I came from a good place and cared about her feelings. After a lengthy discussion on society, marginalisation, and her challenges, she decided to participate

in the interview and surprised me with her pithy and honest answers. This was one of the most challenging interviews from the fieldwork, but also a very crucial one.

At about the halfway mark of data collection, after having interviewed sixteen participants at Basera, the option to diversify the sample by visiting a hijra household or *dera* was discussed with my supervisors. After having discussions with the manager of Basera, a plan was made for me to visit a nearby *dera*, accompanied by two outreach workers, Silky (TG, 22) and Baby (TG, 23), who were tasked with ensuring my safety. At the *dera*, there were a number of individual flats/rooms connected by a common balcony. As I was about to enter its premises, some local men who lived in the same neighbourhood started questioning me about my purpose of visit in an agitated tone, which made me very uncomfortable and somewhat scared. Despite this encounter, I was able to conduct two interviews at the *dera*, both of which provided important information on *gharana* life. After discussing this incident with my supervisors, it was decided that I would continue to conduct the remaining interviews at the CBO. Interviews ranged from forty minutes to about an hour and a half. All interviews were recorded with my dictaphone which maximised the information acquired.

**Fieldwork Supervisions**

Supervisions were conducted via three-way skype calls with both my supervisors. These could be coordinated fairly smoothly despite our time differences and difference in work schedules. We also emailed about once a week, and sometimes more, to discuss matters related to the fieldwork as well as my wellbeing. During the initial stages of the research, interviews were translated within a couple of days of being recorded and the transcripts sent to my supervisors securely via university email. During supervisions, important points emerging from the interviews were discussed and recorded on the university's e-portfolio system. This process helped revise my research methods, hone my interview skills, and reconsider the interview questions from time to time bearing in mind the newly emerging themes. Supervisions were scheduled every month, and sometimes more frequently, if something urgent needed to be discussed.

**Transcriptions and Translations**

Thirty-three out of the thirty-seven interviews were conducted in Hindi, two in English and three in non-standard English. In most cases, participants used a variation of English called 'Hinglish' which mixes elements of both Hindi and English. Despite being fluent in both languages, it could often still be challenging to discern some of the words spoken in regional and communal dialects. However, as transcription went hand in hand with data collection, my approach of transcribing interviews immediately after they took place provided me the opportunity to clarify the meanings of these words at a different time soon afterwards, without interrupting the interview. For the first five interviews, data were first transcribed in Hindi, following this they were translated into English. By the end of the fourth interview, I had realised that this process was extremely time consuming and labour intensive, so from the fifth interview onwards, I decided to transcribe the interviews directly into English. All thirty-seven interviews were translated by me personally. Simon (1996, as cited in Temple and Young, 2004, p.165) states, 'The solutions to many of the translator's dilemma are not to be found in the dictionaries, but in an understanding of the way language is tied to local realities, to literary forms and to changing identities'. A professional translator was not involved in this project in order to preserve the contextual meanings of the quotes. While translating the interviews, it was made sure that the quotes remain in non-standard English while also ensuring that they are understandable to a native English speaker. Furthermore, by personally carrying out the translations, the mood, tonality and micro-expressions of participants could be paid attention to and captured accurately. The most important reason for not hiring a translator however was to prevent a third party from being privy to participants' personal and sensitive information. Lastly, one of the benefits of doing the translations by myself was that the process of repeatedly listening to the recordings during translations enabled me to highlight important quotes, take notes and begin the process of analysis while collecting data.

There are also certain downsides to a researcher translating their own interviews. Translating thirty-seven interviews, spoken in a variety of combinations of English and Hindi, was a very time consuming and exhausting process which made me doubt, at about the halfway mark, if it could ever end. Allowing myself some breaks in between and focussing on analysis while translating the interviews ensured that I was able to move forward with my research at a steady pace. In translating qualitative interviews, the researcher needs to remain alert to the power

dynamic between the original language in which the interviews are conducted and the language to which they are translated. The interviews in this research were predominantly conducted in Hindi. It goes perhaps without saying that participants had trusted me with their words and hopefully believed that I would do justice to their voices when translating them. The fact that this research had to be written in a language of the privileged to reach a wider audience speaks volumes about the world we inhabit. Wherever possible, I have used non-standard English in the quotes to reflect the participants' way of talking. This was not done to emphasise participants' idiosyncrasies but to preserve the essence of Indian English (see also Richardson, et al., 2016). Some of the quotes have been edited to standard English to preserve the meaning of the sentences. While I have tried my very best to stay true to participants' verbatim and do justice to the cultural references, sometimes it was not easy to do so. In the end, all researchers doing international fieldwork, including myself, would like to believe that their participants would approve of the translations if they could understand English.

**Analysis of Interview Data**

To make sense of numerous transcripts, a researcher needs to choose an appropriate path of analysis. Coffey and Atkinson (1996, p.11) define analysis as 'pervasive activity' that is spread out throughout the research rather than a well-defined stage in it. More often than not, in qualitative research, data collection and analysis can go hand in hand. If such an analytical path is adopted, the process of data collection itself can assist in the testing and refinement of emerging theories. For Bryman (2004, p. 399), data analysis is 'inter-looped' and in sync with data collection. The simultaneous collection and analysis of data offers room for re-evaluating researchers' own thought processes and addresses scepticism concerning their biases in qualitative research (Bryman, 2004, p. 399).

In this research, data collection, transcription and analysis proceeded in tandem. All interviews were transcribed/translated in full, an exercise that enabled me to relisten and fully appreciate the participants' narratives. The process of transforming the verbal interviews into written format helped classify the data into systematic categories (Silverman, 2006, p.15). During the transcription process, recurring themes were highlighted and examined in detail – these categories were then discussed in subsequent interviews in order to verify their significance within the sample (Glaser, 1978). The process of simultaneous collection and analysis of data enabled me to ascertain the converging and diverging perspective within the sample from a

very early stage. To give an example of where the benefit of this approach was felt – some outreach workers mentioned that their funders had instructed them to open a beauty parlour within the premises of Basera with the goal of attracting the hijras to the CBO, so that every time a hijra visited the parlour, outreach workers could encourage them to also get tested for HIV. After having heard this theory a few times, I tested its resonance among other outreach workers (not the visitors) in an attempt to understand if there were other ways in which hijras were being encouraged to visit the CBO. Participants' responses on this issue ended up contributing to a significant theme around the concept of community, which will be discussed in Chapter Five of the thesis. Once twelve out of the thirty-seven interviews were completed, a preliminary analysis was conducted by identifying the key areas emerging from the data. This was done by reading the interview transcripts individually and isolating the emerging themes. These themes were then cross compared, following which the research questions were revised in order to account for and expand on the emerging themes. This preliminary analysis enabled me to check if the interview data were addressing the broader research questions, additionally the inputs and quotes from the first twelve interviews served as a base for further data collection.

Mile and Huberman (1994) note that analysis consists of three distinct stages: data validation, coding, and cross-comparison. The audio-recordings of participants' interviews were heard multiple times to get into the 'thick of the data' and familiarise myself with its every aspect. According to Lester et al. (2020), a researcher's familiarity with the data is indispensable to analysis and forms the backbone of qualitative research. Analysis began by reading and colour coding the transcripts to bring together similar themes. Creating the codes was not so much an analytical stage as it was an organisational one. Data interpretation was based on what was being conveyed in the text and not merely what the code suggested (Atkinson et al., 2003, p.154). Coding provided an opportunity to deconstruct the data into 'chunks' using labels, highlights, and signs. This allowed cross-comparison between interviews on a range on issues. Coding and cross-comparison of the various interviews helped build up primary categories or themes bearing 'common properties' (Coffey and Atkinson, 1996, p.27). The generation of these primary themes helped bring together portions of the data addressing a similar issue, making it possible to look for 'patterns, regularities as well as irregularities' across the data (Coffey and Atkinson, 1996: 47). Subsequent analyses of the transcripts generated subthemes within the primary themes. The subthemes thus formed were further refined on the basis of

similarities, differences and contradictions. The primary themes and subthemes were then arranged and rearranged while considering their depth (how many) and range (the converging and diverging positions). Analysis is a two-way conversation between the data and the research questions, this means that while coding the interviews it was important to revisit the overarching research questions to check if they were being addressed by the themes. Separate documents were created to work on individual themes, some quotes were stored in more than one document as they related to multiple themes. This was followed by reducing extraneous information, quotes and ideas from the themes. A penultimate step of merging and renaming all the themes conveying similar or related ideas was performed. In this way, I was able to 'own' my data. The final step of the coding process included linking key concepts to wider theoretical frameworks.

**Conclusion**

This chapter has outlined my method of data collection and analysis. It began with a description of my epistemological approach to this research, where the reasons for taking a qualitative approach towards carrying out this research were discussed. It then offered a rationale for my method of data collection: semi-structured, in-depth, one-to-one interviews, and proceeded to discuss the major challenges encountered during the data collection process. Finally, it considered some of the ethical issues emerging from the project with a focus on consent, confidentiality, anonymity and safe data handling practices. The rich data obtained through qualitative fieldwork not only enabled me to write this thesis, but the entire process of data collection was a personal learning experience for me. Having explored the 'doing' of the research, the following three chapters will explore the important themes emerging from the analysis of the interview data. The first among them explores research participants' multiple understandings of the various nonconforming identity categories available to them.

## Chapter Four: Negotiating Gender Nonconforming Categories: Beliefs About the Body, Supernatural Qualities, and Social Ties

### Introduction

As discussed in the earlier chapters, gender nonconforming people in India, traditionally known as the hijras, face stigmatising and discriminatory behaviours both at individual as well as systemic levels (Chakrapani, 2004, 2007, 2012; Nanda, 1993). For the past couple of decades, many gender nonconforming people, particularly in urban areas, have been identifying as 'transgender' or 'TG'. Seemingly free from past stigma, the new category allows them to meaningfully engage with the wider world and leverage socio-economic opportunities afforded by a liberalised economy[46] (Lakkimsetti, 2016). This chapter focuses on how gender nonconforming people mobilise and navigate through multiple identity categories, and how, by doing so, they try to decouple themselves from past stigma and claim respect in society, while also negotiating the cultural legacies and rich history of more 'traditional' categories such as hijra. The majority of the research participants felt a simultaneous sense of estrangement and belonging to the dominant culture and so, instead of stepping out of its boundaries permanently, they mobilised its repertoires strategically to carve out a place for themselves within it (see, for example, Gosine, 2008; Lamont et al., 2011).

This chapter argues that gender nonconforming identities in urban Indian cities tend to be unfixed, fluid and dynamic, rather than rigid and unnegotiable. By adopting a range of lexical, attitudinal and dispositional shifts, many gender nonconforming people negotiate their identities when interacting with people both within and outside their social circles. A social constructivist approach to identity moves beyond an understanding of its stable and undivided aspects to its relational and reflexive aspects. It contends that identity construction takes place through people's intersubjective experiences and their interpretation of social interactions (Brubaker and Cooper, 2000; Calhoun, 1994; Jenkins, 2014; Lindgren and Wåhlin, 2001).

[46] The liberalisation of the country's economic policies formally took place in 1991 with the aim to make the economy more market and customer friendly and expanding the role of private and foreign investment in it.

Calhoun (1994, p.28), for example, describes lived identity as a reflexive 'project' rather than a 'settled accomplishment'.

Using a social constructivist approach, this chapter explores how participants' identities and aspects of their communal and civic lives are shaped by their interactions with one another and with society at large. It asks the following questions: What does it mean to be a hijra or a TG? What is the role played by participants' life circumstances in their decisions around using or rejecting an identity category? And finally, how have India's history and its current politics contributed towards the construction and proliferation of the term 'transgender' as a category of identification? By exploring these questions, this study will shed light on how old and new categories of gender identification interact with each other and how their interaction relates to the issues of access to material resources and social status. This chapter is divided into two sections. The first section explores how research participants understood and made sense of the gender nonconforming categories available to them. It does so by considering three parameters: the body, the supernatural, and the *gharana*. The second section explores how different social contexts, including participants' workplaces, families and neighbourhoods provided cues on adopting and shedding identity categories and related practices. Furthermore, it examines how the new term, transgender or TG, impacts longer-used categories such as hijra and the implications of its usage on socioeconomic opportunities, symbolic recognition and de-stigmatisation for gender nonconforming people. In subsequent data chapters, I will discuss how participants' allegiance to certain identity categories impacts their conceptualisation of community (Chapter Five), their aspirations and their reception of and reactions to the legal reforms passed by the Indian judiciary between 2014 and 2016 (Chapter Six).

**The Meanings Assigned to 'Hijra' and 'TG'**

The term hijra is used loosely in Indian society to denote a range of gender nonconforming subjectivities, sexualities, and corporeal states, including intersex people, eunuchs and sometimes MSM (see, for example, Hossain, 2017, 2018, 2020; Nanda, 1993; Pattanaik, 2014). Equally, it is used in a pejorative sense by members of society to deride and discriminate against men who appear feminine. Among my research participants, however, the term was used in a more specific sense to refer to gender nonconforming people living within the moral and structural confines of a *gharana*. Furthermore, research participants used the term transgender or 'TG' as a corrective appellation that they regarded as helping them combat past

stigma associated with the hijra category and gain respect in society. This section unpacks the multiple meanings ascribed to the two most common gender nonconforming identity categories in India, hijra and TG, by my research participants.

***The Body***

According to Khan (2019, p.8), historically, the single most important purpose of a hijra's life has been to attain womanhood both in terms of 'embodiment and performance', including their 'preference for masculine men'. My research participants, however, diverged from Khan's conclusion regarding hijras' rationale for existence; despite wearing women's attires and/or undergoing a host of feminising surgical procedures, an overwhelming majority of them did not aspire to be what they called a 'real woman'. Instead, they described themselves as 'neither men nor women' (see Nanda, 1990) and positioned themselves in an ambiguous 'third space' (Bhabha, 1995). 'Not men' because they ascribed to themselves a range of feminine qualities, such as a preference for standard feminine attire and occupations, motherly instincts, feminine eroticism and temperaments, the desire for male partners, and so forth; equally, they did not see themselves as women because unlike biological women, they could not bear children.

The analysis of interview data suggests that most of my participants positioned themselves in the discontinuities and interstices of gender classification. Their refusal to commit or conform to the gender binary echoes Don Kulick's 1998 account of the Travestis in Salvador, Brazil. Kulick's work followed the lives of a group of transgender sex workers who were biological males but adopted female monikers, sartorial comportments, and pronouns. More dramatically, they ingested massive doses of feminising hormones and injected industrial silicone to bring about significant changes to their bodies. In spite of such irreversible changes, virtually no Travesti ever identified as a woman. A fifth of my participants had undergone sex reassignment surgery (SRS) and a third of them had undergone minor surgical procedures in order to feminise themselves. Despite undergoing surgical interventions, most of them saw themselves as an 'in between' person who was 'neither a man nor a woman'. A few of my participants stated that they did not think about 'who they really were' during their childhood, only realising later in life that they were not what society deemed them to be and fell through the cracks when a binary framework was imposed on them i.e. when they had to pick between 'male' or 'female' in bureaucratic paperwork or while socialising with family and friends. The following quotes from participants illustrate this point:

A hijra is a confused person who searches for something which can never be found. It can neither be found in being a male…nor can it be found in being a female. [Bella, Kinnar[47]/Hijra, 35]

We neither fall under the category of a woman nor do we fall under the category of a man. We come under 'third'…*hum beech ke hai* [we are in-between], we are *alag* [different] from the rest. [Misha, Gay/TG, 26]

Ma'am I don't think of myself as a female[48]. Females are different, they have stable partners….they have this….they have that. We don't have access to most of the things that they possess…and perhaps never will. That's why I am neither a male nor a female…instead, I have the *atmas* (souls) of both. [Silky, TG, 22]

As discussed in the introductory chapter, hijras undergo *nirvan* as part of fulfilling their *dharma* or religious duty. According to Nanda (1993, p. 382), it is the 'irrevocable renunciation of male sexuality and virility that is at the heart of hijra identity as ascetics' which gives them the power to bless or curse people (discussed in more detail in the next subsection). Bakshi (2019, p.214) notes that hijras often understand *nirvan* as a source of 'immaculate strength' and 'personal fulfilment' of spirituality. While the identity of a hijra is often constructed around *nirvan*, historically, not all of them have been known to undergo the process, for example, the *'dholakwala'* or percussionist of a *gharana* generally maintains a 'manly' appearance (Nanda, 1990). The majority of the participants in this research did not describe the identity of 'hijra' or 'transgender' as tied specifically to the body; in fact, a few of them were ardently opposed to any kind of irreversible bodily transformations, arguing that one's identity has less to do with their body than with their inner sense of self. With regards to the importance placed on *nirvana*, Benny (MSM/TG, 19) stated:

To me, a hijra is someone who is neither a man nor a woman. A lot of people think those who have changed their sex can call themselves a hijra, but this is not true. You are a hijra if you think you are one …if you are able to reconcile with your thoughts. People tell me that I should undergo *nirvan,* but I don't think I am going to. I am against it and it's my right to say no to it. Society cannot stop me from being the person that I am and expressing myself in ways that I want to.

Benny believes in a more personal conceptualisation of identity and sees the pressure of undergoing surgery as an impediment to expressing gender diversity in uninhibited and personalised ways. His[49] assertion, 'People tell me that I should undergo *nirvan,* but I don't

[47] Some gender nonconforming people use the term *'kinnar'* in place of hijra which is an Indian term that helps them diffuse some of the stigma attached to the term hijra.
[48] Quite a few participants used the terms 'male' and 'female' in place of 'man' and 'woman'.
[49] There are no gendered pronouns in Hindi but there are gendered verbs. Throughout the interview, Benny used masculine forms of verbs.

think I am going to. I am against it and it's my right to say no to it,' alludes to a kind of identity construction that gives primacy to bodily self-determinism and installs the individual as the proprietor of their gender identity.

Similarly, Cora (TG, 25) voiced her opposition to sex reassignment surgery in the following words:

> It is generally felt that when people undergo operation, they become hijras. But that is not true… I believe we will always be hijras with or without surgery because our bodies don't reflect our minds. [….] There are many reasons why people may not want to undergo operation. Some people can't afford to get it done, while others may want to retain their maleness for the sake of their family….sacrificing their *dil ke arman* [heart's desire] for the people they love.

Cora thinks a person's identity is a product of their mind which may or may not be reflected by their corporeal state. A seeming mismatch between the two, according to her, must be resolved not by transforming the body into an ideal form but by taking ownership of it. She went on to voice her discomfort with the state's decision to mandate biomedical interventions for legal identity claims, maintaining that the mandate does not take into account TGs who cannot undergo gender reassignment surgery for personal reasons.

Two participants, Mahi (TG, 22) and Baby (TG, 23), described surgery in terms of its invasiveness, irreversibility and talked about the risk involved in its execution:

> I have lived with the hijras before…gone for *toli* with them. Many people from my circle have changed their sex. They tell me that I have made the right decision by not going under the knife. Some of them have even confessed that the operation has ruined their lives….they regret getting it done. [Mahi]

> It is a mistake. I will never do it. I am better off the way I am. [Baby]

The few participants who conceptualised the identity of a hijra mainly from a corporeal or embodied standpoint attached particular importance to surgical transformation of the body through *nirvan.* These participants described *nirvan* as not only the transformation of one's physical self but also their spiritual status. Bella (Kinnar/Hijra, 35), for instance, who had undergone the process recounted being in a state of trance during its execution and took this dreamlike state to be at the heart of the complex relationship between herself and the hijra deity – *Bahuchara Mata*, through whom hijras bring fertility and happiness to married couples (Cohen, 1995). She reported undergoing *nirvan* while being 'possessed by a goddess' and described her post-operative emotional state in the following words:

I call myself a hijra because I have undergone *nirvan*. People who call themselves transgender have an easy life…they can say they 'I am a man' whenever it suits them. I used to be a transgender once, so I know from experience…TGs have an easy life …they can do whatever they want. Things change dramatically when you lose your male parts. When you get operated your emotions change…you become needy…like a menopausal woman and want someone to pamper you all the time. Men have taken advantage of my neediness in the past and used me as a sex toy, eaten my food, stolen my money.

In the above quote, Bella talks about the emotional, physical and spiritual distress faced by gender nonconforming people who have undergone *nirvan*. In her own case, she feels that the operation has made her 'needy' like a 'menopausal woman' and exposed her to forms of emotional and embodied violence at the hands of predatory men. She further revealed that she thought of *nirvan* as a step towards becoming respectable in the eyes of Indian society. But equally, she felt that TGs have to pay a price in order to gain this respect by giving up personal and embodied freedom.

Indian society and hijras themselves have often distinguished 'their asli, or authentic, practices of nomination and gender from the *nakli* or *kharab*, counterfeit or bad, practices of others seemingly like them' (Cohen, 2005, p.275). The common accusatory term for *nakli* hijras – i.e. men 'pretending' to be hijras – has been *zenana* or *jankha* (Lynton and Rajan 1974; Nanda, 1990). Despite the pressure to look a certain way, gender nonconforming people including the hijras have historically presented themselves in diverse forms; for example, some of them choose to 'look like a man' even though they 'feel like a woman'. As I have explained earlier, the majority of the participants believed that their corporeal state was not representative of their gender identity – that is, they believed that their gender identity was a product of their mind and not their body. Dalia (Kinnar/TG, 26), who diverged from this view, accorded legitimacy only to those gender nonconforming who not just approximated feminine behaviour but also the female body. In the following quote, she stresses that the body of a gender nonconforming person must be in consonance with their mind:

If you feel like a woman then you should look like one as well….by undergoing surgery and dressing up like a woman. In fact, I think that the state should mandate surgery for claiming the 'third gender' status. If not, then any man who enters a congested public space like a bus can use it as an opportunity to touch someone's private parts and molest her – and then say, 'Sorry *didi* [sister], I am also a woman…a hijra…I am just like you'. They may even enter women's public restrooms and cause harm to them. I don't wish for people to think of me as one of those men who take advantage of a marginalised status to fulfil their perverse desires, that's why I have undergone SRS.

Dalia presents an outlying opinion in the sample that deems surgical intervention to be an important criterion for granting people the legal status of the 'third gender'. She argues that self-determination alone does not confirm someone's gender identity and must be complemented with SRS. She also noted that 'counterfeit' hijras sometimes collect alms at birth ceremonies and weddings, and as such should be exposed by the 'real' hijras, to whom the collection rightfully belongs. She added:

> As you know, ma'am, there are many *nakli* hijras…sometimes they go to weddings and birth ceremonies and ask for money. We need to tell society about these fake hijras so that people don't pay them money thinking they are one of us.

The existence of categories of authenticity and counterfeitness indicates that being absented or denied a reality may constitute some gender nonconforming people's daily lives. Moreover, hijras' in-group demarcations of *asli* and *nalki* on the basis of surgery may even buttress the state's prevailing tendency to reject forms of gender nonconformance that are not expressed through the body (see Saria, 2019, p.3).

***The Supernatural***

The possession of supernatural qualities emerged as an important theme in participants' understandings of the term 'hijra', with some variations in the extents to which they believed in these powers. In a study of Pakistani public's diverse and conflicting understandings of gender-variant people or *khwaje sera*, Khan (2019) observed that one of the most widely held cultural assumptions is that they are intersex, which is considered religiously acceptable on account of being 'god-gifted'. A similar tendency to claim 'god giftedness' by virtue of being born with an intersex condition was evident among my research sample as well. Some participants, for instance, made the distinction between natural and surgically attained *hijraness*. They argued that born hijras i.e. people born with some intersex condition were 'god gifted' and possessed spiritual powers unlike people who attain *hijraness* through surgery. A handful of participants admitted that although they had undergone surgery to attain the 'correct body', they presented themselves as 'born' hijras (intersex people) to the outside world. For example, Dalia (Kinnar/TG, 26) noted:

> All hijras say that they are 'born that way' even when that's not the case. If a hijra comes to your house and you ask her, 'Have you changed your sex?' Do you think she would admit to it? No. She would say that she was born that way. Saying that she is a 'born hijra' would make her feel special – something

unique, something out of the ordinary. People think, 'Oh wow! These special creatures were created by god'…hence, they respect them more. If I say I used to be a man and I underwent surgery, people might wonder why any man would ever want to become a woman. 'Borns' get more sympathy as people tend to think that these individuals are not responsible for their condition… they simply don't have an option other than being who they are.

Dalia thinks that 'born' hijras garner sympathy as they are seen to have very little or no control over their predicament. By contrast, people who undergo SRS are considered 'ordinary' men with a desire to become women and are therefore seen as having a degree of control over their situation. Dalia believes that while the former category is more likely to be associated with spiritual qualities, the latter to be more stigmatised by society. With the awareness of these social cues, Dalia chooses her identity carefully and discusses her embodiment using appropriate language. To this end, rather than 'admitting' that she has undergone surgery, she tells her co-workers that she was born with an intersex condition. By presenting herself as a 'born hijra', she believes she is able to earn a degree of sympathy and reverence from members of society.

According to popular belief, hijras possess the power to bless newly-weds and new parents a lifetime of happiness and prosperity or curse them with unending sorrow. In his comparative study of drag queens and the hijras, Bakshi argues that, unlike drag performances of the West, hijras' performances are legitimised through Indian religious and social custom (Bakshi, 2004, p.216). While the former category takes place in private or alternative social spaces (clubs, bars and lesbian and gay prides), the latter takes place in normative and conventional spaces such as homes and offices. Bakshi argues that hijras' access to such spaces is guaranteed to them through religious and social customs, even though their presence may be undesired by some. Regardless of society's attribution of divine powers to hijras, the majority of the participants did not believe that they had control over the future. Rani (TG, 29), for example, found it 'ironic' that despite their own 'low' socio-economic status, some hijras believed that they were in a position to change the destiny of others. In the following quote, she reveals her thoughts on hijras' presumed divinity:

To this day the hijra community is revered so much that when someone sees a hijra they touch their feet and seek their *ashirwaad* [blessings]. Even though I identify as a TG, when I wear a *sari*[50]or a *salwar kamiz*[51] in public, some people seek my blessings and pay me 10-20 rupees [laughs]. I come across all

[50] An unstitched drape used by Indian women as a garment.
[51] Women's garment comprising of trousers and a long shirt.

sorts of people….it makes me feel slightly strange. But I think it is funny. It is their *vishwaas* [belief] that I can help them in a small way, I don't want to challenge that.

Being a practical person, Rani did not truly believe in the spiritual powers of hijras. However, she did not challenge people's beliefs and complied with them when asked for blessings. According to her, even though pre-natal sex determination is a criminal offence in India, intersex foetuses are typically aborted once their sex is (illegally) confirmed by a doctor. Thus, in present times, Rani claims, there are very few hijras who are born with an 'intersex condition' and that people either undergo surgery to pass off as a 'born' hijra or do not discuss their bodies in clear terms with others.

### *The Gharana*

The communal life of the hijras and the *guru-chela* system were discussed by a significant number of participants. Various studies report that becoming a hijra involves disavowing one's family and living in a caring, if a little repressive, *gharana* (community) under the tutelage of a *guru* (Nanda, 1992; Reddy, 2005; Sharma, 1989). Chatterjee (2021) described *gharanas* as closed bastions of kinship-networks marked by their flamboyance, secrecy and a set of stringent rules and regulations. In this study, only a few gender nonconforming people lived in a *gharana,* but many of them (both TGs and hijras) had previously lived in one or more *gharanas*. Arya (Hijra, 40), who was an activist as well as a senior *guru*, stated:

What you need to understand about the hijras is that it is a parallel support system…founded on familial ties between members. So, I am a guru and I have 150 *chelas*. My *chelas* have their own *chelas*…and their *chelas* have *chelas* of their own…it is like a family. The *gharana* that I am a part of is called *Bullakwala* family.

Hijra *gurus* teach their *chelas* about community norms – including how to perform at ceremonies, divide labour amongst each other, cater to the various relations in the *gharana*, and resolve skirmishes in a peaceful manner. Novices look for a potential *guru* through whom they can gain entry into a *gharana* where they board and acquaint themselves with the norms. During their stay, they contribute to the upkeep of the *gharana* through physical labour and financial support (Saxena, 2011). In return, the guru offers them protection from the outside world and social security in the form of housing, clothing and food (Goel, 2016, p. 539). A few participants felt that the patronage of a *guru* is indispensable for a novice who is both trying to

come to terms with their gender and sexuality and adjust in a complex social milieu of the *gharana.* This can be illustrated with Prachi's (Hijra, 40) quote:

> Hijra community has its own identity, its own structure, its own set of rules and regulations, its own culture and traditions. The community came about in order to support its members because society failed to protect them. It is not perfect system…it has its problems…just like any other community. But it offers a home to people who don't have one. Those who believe in this system and follow its rules and regulations …call themselves hijras. Those who don't consider themselves a part of the system or don't want to associate with it, identify as transgender.

Prachi, along with many other participants, discussed the importance of community in the life of young hijras who are trying to survive in an arid world that discriminates against them (discussed further in Chapter Five). She thought that despite its flaws and its rules and regulations, a *gharana* can offer refuge to people who do not have a place to call home. She added that such an affiliation, despite the promise of refuge and community, is not always the favoured option for some, who choose instead to attach themselves to the label transgender and live independently. Similarly, Moira (TG, 24) stated:

> Many *gurus* exploit their *chelas,* force them to massage their arms and legs and make them do all the housework. Some *chelas* give in to these demands as they lack an alternative choice…they are not well educated, nor do they have a stable source of income or don't have family support. Thus, the community is their only hope for survival.

In the above quote, Moira discusses the *gharana* in a negative light, talking about the exploitative nature of *gurus* who curb their *chelas'* freedom and force them to do menial chores without paying them a fair remuneration. She went on to suggest that she could never live like a *sanyasi* (ascetic) in a communal arrangement that rejects worldly pleasures. Instead, she wanted to 'make a real difference in the world' through her work as an outreach worker working for the wellbeing of her community.

Sharma (1989) states that while there can be a sense of sisterhood and love among members of a *gharana*, it is by no means an egalitarian group. Accounts of participants who used to live in a *gharana* prior to joining Basera suggest that in most households, the senior most positions are typically taken up by older hijras, who expect junior members to defer to them and do their bidding without reservation (see Goel, 2018; Reddy, 2005). Many participants also suggested that the gurus forbade them from talking to strangers, looking outside through the windows or even opening the main door without their permission. These participants supposed that such

'drastic' measures were taken to prevent them from being corrupted by the outside world. Thus, by drawing physical boundaries between the 'inside' and the 'outside', the gurus gatekeep new and external knowledge that are perceived to threaten the status quo and power rankings within a *gharana* (see, for example, Nanda, 1993). So, while a gharana is a type of support system to many young and vulnerable hijras, it is also, more often than not, what Mary Douglas calls a 'hierarchically organised enclave', which sees itself 'in disagreement with the outside world' (Douglas, 1996, p.xx). Cultural enclavism 'justifies what it does by reference to tradition' and also bears testimony to a 'tendency to try to control knowledge' as any new external knowledge would threaten the inherent 'ordered rankings' (Douglas, 1996, p.xxiv). The *gharana*, some participants claimed, maintained this type of enclavism, by practicing and propagating their esoteric rituals and customs (see also Goel, 2016, p.540). Outreach worker, Rahul (MSM/Gay, 24) likened *gharanas* to 'religious cults' characterised by leader worship and impenetrability:

> I am not saying that the *gharana* culture has to end. It may work for some people but for most it is not a great option. The *guru* is almost like a religious leader… controlling and demanding. Most of them make their *chelas* do all the work, while spending their time lying around and resting. Hijras take part in customs and rituals that only they understand or are allowed to be part of. They are not aware of the world around them and do not work for a living. Things are changing but not at the pace at which you would want them to. Most hijras still don't see the point of working for a living?

Lakkimsetti (2016) argues that the proliferation of NGOs in India has resulted in greater engagement between transgender people and the wider public. The majority of the participants in this research identified as TG and insisted that, unlike hijras, they were ordinary people. They qualified this 'ordinariness' with attributes such as living with one's biological family, working at a 'regular' office and having ties to the outside world. By contrast, they deemed hijras' 'flamboyance' and 'idiosyncratic mannerisms' such as clapping, dancing, going for *toli* to be 'strange' and 'unsuited' to modern society.

My analysis of the data suggests that TG groups mimic the basic structure of a hijra *gharana* with elaborate kinship networks where members refer to each other as mother, daughter, sister, auntie and grandmother based on seniority within the CBO. Their reference to each other using family titles underscores the fact that they regard themselves as belonging to an Indian joint family. Despite using hijras' kinship terminologies, TGs working at the CBO seemed to share with each other somewhat equal and egalitarian relationships. Basera is regularly monitored by HIV Alliance to ensure that power does not lie only with those in managerial positions but

remains decentralised and that responsibilities and labour are divided fairly between its members. Although there is a 'pecking order' within Basera, I found members' interaction to be free-flowing, uninhibited and equal. In my many visits, I had never seen a junior member acquiesce to their seniors. The following quote from Silky (TG, 22) illustrates this point:

> Rani is my *guru* and also a bit of boyfriend [smiles]. It is relatively relaxed in here… this is an ordinary office. Rani is our *guru*, that's obviously undeniable, but she treats us like fellow office men. This is like any regular workplace. We consider ourselves TGs, we live a free life. There are no restrictions. We are doing okay ma'am [smiles].

Silky describes Basera as a 'regular office' and calls Rani her *guru*/boyfriend – suggesting that she enjoyed more autonomy than hijras living in a *gharana*. Unlike relationships within the *gharana, guru-chela* relationships in Basera appeared to be more informal. Furthermore, I observed that rankings within the CBO were not decided on the basis of age but on individual members' conversational skills, leadership qualities and the length of their membership at the CBO. Even though transgenders of varying age and official ranking (Rani [TG, 29] is senior to Silky [TG, 22], both in age and ranking) worked in close association at Basera, they did not typically assert power over each other.

In a similar way, Molly (TG, 22) noted:

> Sometimes a TG would just say to a friend, 'Ayi guru! Aren't you my dear, dear guru!' But it is not the same dynamic as the *guru-chela* relationship at a *gharana*. If you live in a *gharana*, you have to take your guru's permission for everything, even if it is something small. They follow our ancestral traditions properly but people at the CBO are less formal towards each other. We try to follow some of hijra' rituals but certainly not all of them.

Even though it was not uncommon for TGs working at Basera to use age-indicating, kinship terminologies, their conversations appeared to be friendly and light-hearted. In the above quote the tone of the hypothetical pronouncement 'Ayi guru! Aren't you my dear, dear guru!' alludes to a somewhat informal relationship between the speaker (a *chela*) and person being referred to (a *guru*).

**Decisions Involved in the Adoption and Shedding of Identity Categories**

Lakkimsetti (2016) argues that when Western identity categories travel to the Non-Western world, they are not simply internalised by the locals but widely contested and reconstructed through a bandwidth of resistance practices. Anthony Cohen (2013, p.37) calls this 'cultural

syncretism', a process by which the global and local are synthesised into an idiom that is consonant with the norms and aspirations of local subjects. The complex social milieu of NGOs and CBOs, where the global and the local meet, arguably produces gender nonconforming subjectivities that embrace aspects of the global while maintaining ties with the *gharanas* and their naming practices, traditions and rituals. Such a context brings together complex entanglements of varied marginalities, interests, aspirations, and therefore adherence to a rigid identity may be an impediment to building relationships with people that matter to them both personally and professionally. Participants improvised and enacted various goal-oriented 'roles' based on their awareness of the context and the social actors embedded in it. Therefore, the category they use to identify in a particular situation may not be the ultimate representation of 'who they really are' but what they are trying to achieve through their ascription to a particular identity. This section explores how participants use cultural repertoires and contextual cues to construct and maintain their sense of self and identity.

***Participants' Contextual Use of the Category 'TG'***

As AIDS awareness tightened its grip around the world in the 90s and 2000s, global capital started channelling into developing countries through HIV projects, aiding the rapid growth and consolidation of NGOs (Keck and Sikkink, 1998; Khagram et al., 2002; Tarrow, 2001). Broader transnational AIDS and LGBT politics and activism brought new gender and sexual categories, lifestyles and ways of forming communal alliances. In order to be heard and understood by a global audience, it was around this time that a large number of gender nonconforming people involved in AIDS awareness programmes started using Western norms and identity categories to express their identity (see, for example, Boyce, 2007; Dutta, 2012; Hossain, 2018; Lakkimsetti, 2016; Mount, 2020). In light of these socio-political shifts, this subsection explores participants' rationale for using 'TG' as category of self-identification – that is, what do they gain from calling themselves TG?

In 'Same Sex Love in India: Readings from Literature and History' (2000), Vanita and Kidwai explore a wide array of publicly sanctioned expressions of gender and sexuality that evade western models of labelling and categorisations, including gender altering forms and bi/multi sexualities. While such expressions of nonconformance may elsewhere be considered 'identities', in India, as the authors argue, 'desires are multiple and names for them are scant' (Vanita and Kidwai, 2000, as cited in Menon, 2018, p.13). The lack of a 'proper' taxonomy of

gender and sexuality does not attest to an absence of fluid forms in the country; rather, it alludes to the schism between expressing fluidity through a fixed set of identities and through a range of eclectic practices and desires (Horton, 2018, p. 1064). As such, some have argued that this schism has frustrated Indian activists' visibility and stake in the international community, prompting them to look for categories that are understood by a wide range of audiences (Dave, 2011, 2012; Shah, 1993; Vanita, 2001). In this regard, Arya (Hijra, 40) who usually identified as a hijra, called herself a TG/transgender while carrying out advocacy work in transnational circles:

> To be honest, I don't think we have an identity that completely overlaps with what Westerners call 'transgender'…what we have instead is *Tritiya Prakriti* or *Tritiya Panthi* [the third gender]…which includes all nonconforming genders. Although our lifestyles and traditions are rich and interesting, they are vastly different from what Westerners see as typical. [….] For example, there are people in my circle who follow the hijra lifestyle but call themselves TG, there are people who are married and still identify as a hijra, and finally, there are those who swear by hijras' customs and traditions. You know, it is very difficult to put these identity practices into boxes. But here's the thing… because the East and the West are not the same, what ends up happening is that people like us start calling ourselves TG or transgender upon joining an NGO.

Arya discusses the ways in which the Indian way of living and experiencing non-conformance in gender and sexuality differ and diverge from the Western system that puts them into pre-existing 'boxes'. Some of her peers called themselves hijras, some others followed hijras' traditions without necessarily referring to themselves as one, and still others who were married and had committed themselves to a heteronormative life. Thus, Arya felt that it was practically impossible to slot gender nonconforming people in India into definitive categories created by the West. Even though India has a rich tradition of expressing gender and sexual diversity through embodied and spiritual practices, Arya thinks that international activists are not very familiar with them. According to her, the inherent power imbalance between the West and the East means that local nonconforming subjects often have to address the terminological incommensurability between the two worlds not by contesting foreign labels but by reconstituting them in the local context (see, for example, Dave, 2011, 2012; Shah, 2015).

Ever since the term 'transgender' or 'TG' has been brought into common parlance by activists, a large number of participants have been experimenting and identifying with it. Pointing to the English origin of the term, these participants suggested that by using it they were able to present themselves as being part of English speaking, middle-class India, when the situation demanded

it (see also Bedi, 2019). Some of them felt that the term 'transgender' conveys that 'people like us' are employed at an NGO, presenting 'us as contributing members of society' (Rani, TG, 29). Thus, by using the category transgender as a positive marker of identity, several participants in this study tried to sidestep the stigma associated with the term 'hijra' and carve a fresh and unsullied place for themselves in society. In the following quote, John (Gay/TG, 35) discussed how the usage of the term 'TG' or 'transgender' enabled him to engage with society and claim his rightful place in it:

> Let's say I am a hijra who sings and dances on the streets, I might still want to show to the world that I have some standard…that I am educated…that I am different from other hijras. If someone asks me, 'Who are you?' I may not want to reveal to them that I go for *toli-badhai*. Instead, I might say, 'I am a TG. I am educated. And I earn a salary'. What do people say to their families when they go home? Do you think they tell them that they are hijra? No! They say, 'I am a transgender'. It's because people think that hijras make money by singing and dancing whereas transgenders work at an office.

Before joining a community-based organisation, many participants in this study did not commit to any publicly available category, such as hijra, *jankha, kinnar* or gay, to identify, as they believed that all of these categories had a negative connotation attached to them. They kept their gender identity a 'secret' while looking for 'respectable' ways to express 'who they really were'. Some of these participants suggested they had become more open to committing to the identity category 'TG' only after joining Basera and seeing others around them claim respect by mobilising the category. Nelly (TG, 26), for example, stated that before joining Basera she did not know the 'definition' of the term transgender or if someone like her could use it to self-identify:

> In the beginning, I didn't know who I was…I simply did not know who I was. I knew nothing about myself or my identity. I thought I was the only person like this. When I started coming to the NGO and meeting folks who worked here, I understood the definitions of hijra, TG, gay and bisexual. With time, I was able to discover more about my identity…who I really was…my true definition. After coming to Basera, I found out that there are many people like myself who use the term TG to identify. I found out that they could dress up the way they liked…follow a profession of their choice…and have a future.

Shortly after joining Basera, Nelly noticed that the term 'TG' was being used by quite a few of her peers as a more 'respectable' alternative to the term hijra. Through them, she came to learn that the category presented better employment opportunities and an escape from both societal and familial constraints. By calling herself a 'TG' Nelly could reach out to her peers at the CBO, commiserate with them as well as look for solutions to their shared problems of social

stigma and marginalisation. Her example illustrates that rather than being an established idea or thing, identity may be something that is 'happening' through dialogic knowledge transfer at social gatherings, such as the ones that take place at Basera. However, Nelly was one of the few participants who only used the term TG to identify, avoiding the label 'hijra' 'at all costs'. Thus, while in most cases the use of gender nonconforming identity categories among participants was provisional owing to their stigmatised and marginalised statuses and their environment that combined global and local values, for a few participants, like Nelly and Precious (see page 109), it continued to be more fixed and stable.

Similarly, Nataliya (TG, 28) stated that by identifying as a TG she could be 'who she really was' without letting others influence or dictate her terms of living:

> Transgender people like myself are coming out and seeking a decent life. We wish to tell the world that we want to live our lives on our own terms…that we want to work…that we want to live like respectable and good people…people who want to make a difference to the world.

Quite a few of my participants maintained that by identifying as a TG or transgender, they were able to project a more 'presentable' self to society as, according to them, the term bestowed upon them a higher educational and economic status than the hijras. Furthermore, the higher social capital attached to the category allowed them to communicate with lawyers, law enforcement officials and various other HIV stakeholders and carry out their advocacy work with relative ease. In this regard, Moira (TG, 24) noted:

> Part of my job here as an outreach worker includes sensitising police officers about LGBT rights. When I enter a police station, they don't know who I am or what I am going to talk about. I introduce myself as an outreach worker…that is, a TG. Some of them have told me that they really enjoy my training sessions…they listen to me very carefully, ask questions, and express a desire to know more about people like myself. They now know that not all of us are like the hijras…that some of us want to work…that we don't all live in a *gharana*…or lift up our skirts publicly.

Through the term TG, Moira was able to engage with various HIV stakeholders (lawyers, police, doctors) in a professional capacity and earn their respect. The quote also suggests that the term TG did not merely indicate who she was, but just as importantly, who she was not – that she was not hesitant to work, that she was not living in a *gharana* and that she was not 'aggressive' like the hijras. She used the terms 'TG' and 'outreach worker' synonymously, and therefore by identifying as a TG, she may have intended to convey her spirit of voluntarism and eagerness to work on issues that affected members of her community.

Pointing to the Western origins of the label TG, a handful of TG participants explained that the category offered them the latitude to participate in sex work and make a living through it. Priya (TG, 23) who lived in a *gharana* before joining the CBO, talked about the restrictive rules it placed on its members, including curbing their freedom to forge connections with the outside world or follow a profession of their choice. As a transgender outreach worker, she had the freedom to visit cruising sites and engage in sex work. She noted:

> The hijras confine you to the four walls of a *gharana* and give you a lot of money. What was I supposed to do with all that money when they had curbed almost all avenues for spending them? While living in a *gharana*, I had everything at my disposal except for freedom. I remember thinking to myself at the time, 'I don't want any of this. I want my freedom back. I want to be able to walk on the streets at night'. As a TG I have more freedom and live a more fulfilling life. That's why I chose this life.

More than half of my participants reported a change in their self-perception as well as society's perception of them since they started identifying using Western categories such as 'TG'. This was more effective when they adjusted their demeanour by bringing to the forefront character traits that presented them as 'respectable' members of society, such as showing hospitality to anyone who visited their CBO, using dialect free Hindi and wearing plain outfits. By highlighting certain aspects of themselves participants could mould people's perception of their community and, in doing so, they believed that they could disencumber themselves from some of the negative behavioural traits associated with the hijras, including their public display of 'aggression' and unwillingness to participate in society. In this regard, Salma (TG, 25) noted:

> We feel better about ourselves when we call ourselves transgender rather than hijra. It makes us feel better about our identity and makes us feel less stigmatised. When I say that I am a transgender and not a hijra, people should take the difference seriously. But since they don't, I am sometimes forced to identify as a *kinnar*.

Authors like Dutta (2012) and Mount (2020) argue that TG or transgender is a not merely a new name for an old category but a subject position in its own right. Transgenders distinguished themselves from the hijras and their practices on multiple counts, including their sense of respectability and freedom attached to their employment status. These differences appeared to be very crucial for participants like Salma who wanted members of society to take her seriously and refer to her as a transgender.

With the consolidation of international NGOs, many gender nonconforming people want to work and contribute to society rather than relying on alms for their livelihood. Calhoun (1994)

defines identity as an iterative project of the self – that is, identities can and to some extent, indeed, sometimes do transform. In response to changes in their external environment, individuals seek to transform themselves internally by desiring different things and thus cannot be taken to be 'fixed bearers of interest' (Calhoun, 1994, p. 28). Tuli (TG, 24) argued that the changes in lives of gender nonnormative people are a part of the larger changes taking place in contemporary Indian society, such as women's participation in the workforce, proliferation of inter-caste marriages, and the undoing of the joint family. She noted:

> If we just for a moment consider the Indian culture, we would see how much it has changed. Earlier women did not work in India…but in today's world…women are walking shoulder to shoulder with men. If the husband works…the wife works too. With modernisation, the entire society is changing…joint families are splitting, and people are marrying for love and not simply because their parents want them to get married. So, it is only natural for us to be part of that change. We want to break free from the old customs and work for a living.

A few participants discussed their identity as a member of a Hindu joint family which involved playing the roles of a son, brother and husband, emphasising that their family's sense of respectability guided and restricted their identity choices. In this regard, Baby (TG, 23) noted:

> Hijras live in a *gharana* and follow its norms and rules. A TG, on the other hand, has to survive in the outside world. I have a family, a neighbourhood and a *jaati* (caste) to maintain ties with. I am a son, an outreach worker and a sex worker. I have connections with TGs, hijras, everyone. Hijras don't have to care about these things, do they? That's why they don't have a *jagah* (place) in *samaj* (society). They sit, stand and walk with other hijras and nobody else.

The above quote elucidates the complex nature of identity categories. Gender nonnormative people occupy multiple subject positions simultaneously; they are individuals, members of families and communities and of larger social groupings such as caste, class and gender and at the same time they are also part of the universal family of humans. Baby considered herself a member of mainstream society through her interactions with 'ordinary' people such as her family, her neighbours and the wide range of people who visited the CBO at which she worked. Through these interactions, she took on the roles of a son, a friend and an office going person, thus carving multiple *jagahs* for herself in society. She argued that finding a social position or *jagah* was much harder for the hijras, as they kept their interactions restricted to the members of their *gharana*– that is, they did not know how to 'perform' the role of an 'ordinary' member of society.

Despite the social changes brought on by NGOs, members of Basera continued to maintain a symbolic relationship with the core traditions of the hijras, such as dancing, playing the *dholak* (drums), singing and clapping. Through these traditions, young TGs remained active in the teaching and learning of relevant idiosyncrasies of the hijras – the collective enactment of hijras' performances can foster communal bonds between peers and enable them to stay in touch with their collective past and predecessors. Crucially, the stories told during these festivals inspire pride among attendees and provide them with a historical locus from which they derive their personality – which is vocal, powerful and capable of fighting back[52] (see Chapter One). Benny (MSM/TG, 19) and Wadia's (Kinnar/TG, 40) quotes illustrate this point:

> One day, an outreach worker from Basera spotted me on the street and asked me if I wanted to visit the CBO. From the moment I entered this place, I've felt a sense of belonging to it… as though I am one of them [people who work at the CBO]. I started hanging out with them more and more….going out for walks with them. I really like singing and dancing…I came here mainly to dance and sing with others like me. But in the course of interacting with them, I have learnt so much about my own identity. Before coming to Basera, I didn't know who I was. I just knew that I was different…but that wasn't enough.

> We talk to each other, do *hasi-mazak, nashta-wasta* [snacks] and *chai-paani* [tea]. We dance and play with each other like small children. I think everyone should live like us…together… like a bunch of kids, if you ask me. I really enjoy coming to this place…I like the fact that the people who work here maintain our *purani riti-riwaz* [old traditions]. I have learnt so much about our practices through them…like playing the *dholak*….dancing like the hijras and so forth.

Being part of a stigmatised group, Benny and Wadia, like many of their peers, engaged with a range of identity categories and adjusted their demeanour appropriately to belong to and stay relevant in various social contexts. They said that on a regular workday, they downplayed their hijra mannerisms, focussing more on their advocacy work with various HIV stakeholders. But during ritual enactments, they incorporated elements of the hijra culture, including musical performances and embodied practices (their public banters, playful teasing and spiritual trances).

The socio-economic conditions under which the hijra *gharanas* used to operate have changed significantly since the consolidation of HIV/AIDS programmes. These programmes have ushered in new identity categories such as TG and MSM and forms of self-expressions as well as opened up new employment opportunities for various gender nonconforming people.

[52] In the next chapter, I will discuss how participants perform the role of a hijra to confront bullies and avert potential attacks on the streets.

Consequently, their level of public engagement has increased, particularly with HIV stakeholders, including lawyers, doctors and the police. Various authors argue that for gender minorities in India, the interactions between local and global categories have not led to a replacement of their traditional culture, but a reconfiguration of the ways in which they live and socialise (see, for example, Hossain; 2018; Lakkimsetti, 2016; Mount; 2020). The usage of both hijra and TG as categories of identification by research participants attests to their desire to be relevant in varied contexts.

***Participants' Contextual Use of the Category 'Hijra'***

The majority of the participants identified as TG during the interview but reported that there were three key reasons for which they sometimes needed to identify as a 'hijra':

- combating stigma and avoiding verbal and physical attacks,
- carrying out outreach work, and
- grounding themselves in the Indian culture

Stigma is defined as a mark of shame or discredit (Goffman, 1963). Hijras face stigma in all walks of their lives, including their interaction with the law enforcement, healthcare, family and the wider society (Chakrapani, 2012). Kira Hall (1997) in her work among the hijras in the north Indian city of Varanasi explored a range of public shaming practices that they employed in order to confront their stigmatisers, including their idiosyncratic clap or the *tali*,[53] public banters and their tendency to expose themselves publicly. My analysis of the findings suggests that both hijra and TG participants employed such tactics for two main purposes: to extort money from their audiences, and to protect themselves and avoid potential attacks.

Cohen (1995) claims that hijras' shaming practices have enabled them to create a public image of an indomitable community that does not hold back from breaking the codes of public decency when required (see also Hossain, 2021; Hussain, 2019). The sight of the 'post-operative (genitalia) – the seal of hijras' impotence – is paradoxically potent, causing impotence in those who are exposed to it' (Cohen, 1995, p.296).

[53] Hijras announce their arrival with the clapping of hands – which is often geared towards intimidating and shocking their audience.

In a broad study of embodied identities, Synnott (1992, p.79) conceptualised the body as a socially constructed phenomenon. Meaning, he saw bodily behaviours as being learnt rather than 'natural' and argued that meanings attributed to it can change over space and time. Some participants in this study reported that they emulated hijras' bodily behaviours, their flamboyance and public shaming tactics in order to avert potential attacks in public spaces. For instance, when faced with crisis, some of them responded by performing the stereotypical hijra clap and making empty threats of exposing their genitals in public[54]. By emulating hijras' speech and body language, TGs are able to claim a measure of power that is attributed to the hijras, and in doing to, they take up hijras' formidable image that is both revered and feared by members of society. This can be illustrated by the following quotes from Dolly (Gay/TG, 32) and Kaveri (TG, 22):

> One day, my friend and I were sitting at a bus stop, minding our own business, when a guy showed up and started teasing us for no good reason. He was an ignorant person… knew nothing about us. So, my friend decided to teach him a lesson by pretending to be a hijra in front of everyone who was present there. She started clapping and teasing the guy. She said, 'We are *kinnars* we do *masti*…this is in our nature…think twice before you tease my sister!' So, in situations like this, TGs behave like the hijras to fight with society. [Dolly]

> I have learnt that talking softly is not going to get me anywhere and sometimes one has to be rude and clap…speak loudly like the hijras. I will give you an example. Once my friend and I were standing in an alley when a man approached us and started making lewd remarks about my friend. Being a shy person, she started walking in the other direction, but he wouldn't leave her alone. So, I got there immediately and started clapping and cursing this guy, 'your mother's…your sister's….' And then he left. I guess that taught him a lesson! [Kaveri]

The above quotes illustrate that in performing the character of a hijra, participants present a range of identity-indicating practices which are often tied to the body. Dolly's TG friend disguised her vulnerabilities by playing the character of a fearsome hijra who could publicly shame and subdue her harasser – an act that would have been difficult to execute had she 'behaved' like a TG (see 'sexual scripts' in Chapter Two). When faced with a similar situation, Kaveri assumed the 'role' of a hijra and took on a bully who tried to harass her friend, presumably saving her from a potential attack. Both anecdotal accounts attest to the power of the hijra to challenge social stigma. Moreover, they illustrate how some transgender people may assume the identity of a hijra contingently and strategically for survival and self-

[54] TGs reported that they would not actually expose themselves in front of an audience as most of them had not undergone *nirvan* (this is discussed further in the next chapter).

preservation. Various scholars have argued that individuals who navigate diverse and contrasting social situations adjust their identity practices based on the demands of the particular cultural context within which they operate. This adjustment can involve a 'code switch' which may be seen in people's dialectal, behavioural and sartorial preferences (see for e.g., Anderson, 2011; Lacy, 2007; Rollock, et al., 2011). The analysis of participants' accounts indicate that during their work hours they spoke in 'proper Hindi' and wore plain clothes in an attempt to appear approachable to the wider society, but when faced with crises they tended to be more vocal and aggressive.

Some TG participants identified and 'behaved' like the hijras to seek partnerships in their traditional work as well as to promote HIV awareness among them. To achieve this, they played with and mimicked the behavioural and embodied practices of the hijras in relevant contexts. In his ethnographical work, Cohen (2005) observed hijras' flamboyance and gestural excesses – their *lachak matchak* (hip comportment), coyness and *pyar mohabbat* (platonic love)[55] with their *sahelis* (girlfriends). In order to successfully navigate through hijra circles, participants like Baby (TG, 23) mimicked their *hijrapa* or flamboyant and theatrical gestures. She stated:

> Sometimes we pretend to be hijras and ask our hijra *saheli* [friend], 'Can we go to *badhai* with you? Can we perform with you?' Ma'am suppose you are not a hijra, and I am your hijra friend you can beg me to take you in as a member of my group just for a *toli* performance. For this, you might say to me in a coy tone, 'Mummy please take me out for *toli* today, please mummy?'

Baby often leverages her connections with the hijras to partake in their traditional work through which she made a side income. For this purpose, she contingently self-identified as a 'hijra' in the company of other hijras and emulated their speech patterns and mannerisms. This shows that being a hijra may not necessarily be linked to pledging allegiance to a *gharana* and following all its rules. Instead, as Baby suggests, TGs can gain hijras' trust and temporarily become part of their circles by using certain identity practices, such as adopting a respectful and coy tone while speaking to the gurus and participating in their songs and dances. In the following quote, Rani (TG, 29) discussed how she used to claim to be a hijra to establish her turf for HIV outreach in an area that was previously controlled by the hijras:

> Once Kamala [a hijra] stopped me at a park and said, 'Look at what have you all have done to the place. We are traditional hijra performers and you guys have started working at offices …you are a disgrace

[55] Generally, the expression '*pyar mohabbat*' means love but in this case, it refers to platonic love.

to our community…my area right around the corner and you have contaminated it'. I retorted confidently, 'Well sister, you live where I work, and I work where you live. I don't see the problem in this, *Janani* [woman]!' On multiple occasions, I've had to say that I am a part of their community in order to carry out outreach work among the hijras. I've even had to follow their rules to convince them to get tested at the clinic. The issue with the hijras is that even if I am simply standing on a street, some of them may have a problem with that and so, they might say, 'This is our territory. How come you are standing here?' And until I convince them that I am one of them, they won't let me exist in peace [laughs].

Participants like Rani who have to interact with the hijras in order to carry out HIV outreach, sometimes construct their identities and improvise a 'script' around it, both with and without prior preparation, through their interactions with the hijras (see 'sexual scripts' in Chapter Two). When questioned about her identity by Kamala, she draws on the similarities between herself and the hijras. By highlighting the overlap between them, she attempts to remind Kamala that their dyad is based on symbiosis and that both parties would benefit from cooperation, rather than antagonising each other.

A few of my participants reported being misidentified as a 'hijra' by people around them, including their family members and friends. While the category TG was described as imparting a sense of respectability, its English origins sometimes rendered it incomprehensible to those who did not speak the language. Some participants suggested that society's inability to tell the difference between a TG and a hijra sometimes constrained their identity choices and undermined their efforts to live with dignity (see Salma's quote on page 100). This indicates that their decision to identify using a certain category is not merely based on how they feel about it themselves but also on their awareness of the collective consensus around it i.e. how members of society perceive and appraise it. According to Lawler (2014), identity is not something that is located 'within' the person i.e. an intrinsic 'property of the person' but 'a range of phenomena'; including but not limited to their perception of themselves, others' perception of them, their reaction to others' perception, the identity category that they attach themselves to and the category that others attach to them (Lawler, 2014, p.7). Sometimes publicly available categories of identity may not 'easily map on to how people live, experience and understand themselves within those categories' (Lawler, 2014, p.7). Put differently, people's subjective interpretations may or may not coincide with the ways in which others identify and position them. Similarly, Jenkins noted, 'what people think about us is no less

significant than what we think about ourselves […] Your external definition of me is an inexorable part of my internal definition of myself' (Jenkins, 2008, p. 42-47).

Even though participants preferred articulating their identities using terms that they perceived as relatively free from the burden of stigma, sometimes this was restricted by the dominant public's understanding of identity categories. In a few situations where the public did not have a clear understanding of the meaning of the term transgender, TG participants were compelled to use a category that they were familiar with. This can be illustrated by Dalia (Kinnar/TG, 26) and Molly's (TG, 22) quotes:

> If I declare that from now on you are the king of this neighbourhood, that you are the owner, the master of this locality…do whatever you want with it. You cannot simply take control over that area. By that I mean that you cannot become the king until the people accept you as one. [Dalia]

> When people see us, they don't think of us as TGs...they think that we are hijras [claps]. They say things like, 'Oye hijre!' or 'Oye kinnar'. Some people don't know much about the TGs…that they work…that they are ordinary people like you. Society's ignorance about our community runs so deep that sometimes I don't see the point in telling them, 'No! I don't live in a *gharana*. I am a TG and I live independently'. [Molly]

The above quotes illustrate how some gender nonconforming people's decision on whether or not to adopt a certain identity category largely depends on the extent to which that category is recognised within different segments of society. In some cases, as Molly's quote suggests, TGs do not always challenge those who erroneously think of them as *gharana* hijras. Thus, the label 'TG' may not always rid participants of the shackles of the character traits that are typically attached to the hijras, such as aggressive behaviour, public vulgarity and an unwillingness to participate in society.

Some TG participants argued that unlike the *gharana* hijras, their identity lacked cultural authentication, which often led to them being sexually objectified. Their regular interaction with mainstream society further exposed them to intense societal scrutiny, unlike their *gharana* counterparts, who could, to some extent, take shelter in their *gharana*. Sadia (TG, 20) and Bella (Kinnar/Hijra, 35), for example, reported being treated like a sex object by men around them:

> If someone is attracted to us…they will only spend a couple of hours with us and say, 'Hello baby…how are you?' Once they meet us and get their job done. That's it. That's the end of the relationship. Nobody takes us home and introduces us to their parents. Men pursue us not because they love us… some of

them come to us for our money and others come to us for sex. Once they are done with us, they get married to a woman. Leaving us high and dry. [Sadia]

When I go out, people treat me like a *jugad*[56] [sex object]. No man has ever loved me….they have only used me as a toy…why does no one ever ask me to be their girlfriend. Men treat people like me as sex-objects and use us to gratify their dark fantasies. To them, I am not a human being but a *jugad.* Sometimes I think that actually maybe I am one. [Bella]

Sadia's quote illustrates her difficulty in being able to have meaningful romantic relationships, as she was seldom seen by men as potential partners, rather than a means to instant gratification. Similarly, Bella's string of unsuccessful relationships and people's treatment of her as an object had affected her self-esteem and led her to believe that rather than a human being, she was a *jugad.*

As discussed in Chapter One, hijras' perceived closeness to Hindu gods and goddesses earned them an elevated status in pre-colonial India. A few participants leveraged ancient texts such as the Ramayana and the Mahabharata[57] to ground themselves in the Indian culture and highlight their favoured status in Hinduism. In this regard, Jasper (2010) argues that a stigmatised group may ground its identity in history or in classical texts, and find a hero that it can link to its group. He further explains that this historical linkage is forged with the most delicate exactitude such that it only serves to alleviate stigma and arouse pride among members of the group, and not link it to other stigmatised groups in any broader solidarity (Jasper, 2010). One participant, Precious (Hijra, 45), emphasised that this favoured status was reserved for the hijras as they were the ones who were explicitly mentioned in the religious texts. She noted:

I am proud to be part of a community that has existed since the times of *rajas* [kings] and *maharajas* [emperors]. After spending fourteen years in exile, when Lord Ram[58] returned to his kingdom and his people….he was surprised to see that hijras were standing on the same spot where he had bidden them farewell all those years ago. He asked them why they were still there. The hijras said to the Lord, 'Lord we are neither *nar* [men] nor *nari* [women] we are *bhagwaan ki mari* [god's forgotten people]…where could we go, we had no place to return to…so we kept waiting for you right here'. The Lord said to them, 'You are the Raja of Kalyug.[59]' He was so moved by the hijras' loyalty that he blessed them with

[56] The Hindi word *jugad* literally refers to the act of finding an easy and quick solution to a relatively difficult problem.
[57] Hindu epics discussed in the introductory chapter.
[58] A prominent Hindu god.
[59] In Hinduism, *Kalyug* refers to the fourth of the four *yugas* (ages) of the world. The present times are considered to be part of the *Kalyug*, which, according to Hindu scriptures, is full of conflict and sin and leads to the downfall of the world.

eternal prosperity…and look at us now…our community has so much money and gold that you can't finish counting our reserves in the next 50 years […] But I always wear modest clothes… wear a head scarf when I go out and wish my elders *Ram Ram*.[60] I know that people will always respect me and seek my blessings. But can you say the same thing about transgenders? No! Tell me something, who is a transgender? And what is a CBO? What will these people do if their funding gets slashed? That's why I keep repeating that there is only one true hijra identity and everything else is fake.

Precious identified as a 'proud hijra' and authenticated her identity by grounding it in India's religious and cultural past. Furthermore, she maintained that she tried to comply with the gendered norms around purity and modesty in contemporary society by wearing a headscarf and greeting her elders with the religious salutations. In asking 'who is a transgender' and 'what is a CBO', she calls into question TG's legitimacy and legacy in Indian culture and expresses her cynicism towards the future of CBOs at which they worked. Despite visiting Basera every day and participating in its social events, Precious did not feel a sense of connection to the 'modern' and 'progressive' values it embodied.

With HIV-AIDS awareness, Indian identity categories, semantics and iconography came in contact with their Western counter parts. Cohen (2005, p. 286) argues that bridging the implicit gap between the imported and local categories often leads activists to look for 'middle grounds' where a negotiation between the two sets can take place. He describes these 'middle grounds' as contested spaces where incoming assemblages face local scrutiny, ultimately leading to them being imbibed, rejected or undergoing hybridisation. In recent years, a number of famous activists have reclaimed their historical legacy by using the term 'hijra' to self-identify. While this was not the norm, this sentiment was reflected in my sample where international activists such as Arya and Prachi actively desisted from deploying what they took to be Western values and categories of identification. They stated:

Sometimes people come to me and ask, 'Aren't you ashamed of calling yourself a hijra?' I tell them I am not ashamed because I am who I am, and I am a hijra. Why should I be ashamed of that? To which they say, 'We will call you a *kinnar* anyway….just out of respect'. I tell them, 'Well look, kinnar and hijra are one and the same. I am proud to call myself a hijra. I belong to the hijra community. But I speak in English. I don't follow the hijra rituals…I don't dance in people's courtyards or beg or engage in sex work. I don't do any of that and yet I am able to call myself a hijra. I work at a reputed organisation, earn a decent living and pay my taxes. [Arya, Hijra, 40]

Kinnar and Hijra are Hindi words. The words themselves are okay but they have been used in a wrong way by members of society. Due to this, people from my community hesitate to identify using these

[60] A salutation typically used in the villages.

words…because you know, of the shame and stigma attached to them. I will repeat myself, the words themselves aren't bad but they have been used in a bad way. Now, yes, even though a lot of people find them derogatory…I don't think hijra is a derogatory term. [Prachi, Hijra, 40]

While the majority of the participants identified as TGs and strategically used the term hijra, Arya and Prachi mostly identified as hijra, occasionally making strategic use of the term TG. They highlighted that one could identify as a hijra and choose not to live in a *gharana*, opting instead to pursue gainful employment and pay taxes. Being positioned on the higher rungs of activism and socio-economic status, both Arya and Prachi had the symbolic capital to destigmatise and legitimise the term 'hijra', which was not open to most participants as a positive marker of identity. This points to the idea that the possession of educational degrees and respectable jobs can enable people to 'traverse and play with conventional identity categories' (Gibson, 2018) – and thus, the usage of the term hijra in a positive sense may just be the preserve of those who are situated in privileged spaces of class and activism.

The participants in this research were placed in multiple social contexts through work, family and peer groups, which required them to emulate a range of embodied behaviours and speech patterns associated with the roles they played in these contexts. They performed the roles of a TG outreach worker, a hijra, and a member of a hetero-patriarchal family. When they sensed danger on the streets, they resorted to aggressive behaviours that are generally associated with the hijras, but when they were with their families they 'behaved like a man', and finally, while at work they remained polite and courteous towards the visitors of the CBO.

## Conclusion

The gender nonconforming people who took part this research were embedded in rich and diverse contexts, constituting ties with a variety of social circles with both overlapping and conflicting interests. Some of these circles followed a traditional way of life and some a modern one. In order to navigate through both circles successfully, a majority of the participants combined traditions with modernity. Furthermore, they tended not to commit to one particular identity category and used both hijra and transgender to identify. While the former category has existed in India for centuries, the latter has its provenance in the AIDS activism programmes of the 1990s and 2000s. Both these categories while pointing to distinct histories of construction, have emerged as entangled and co-constitutive categories that aid participants to live strategically and stay connected with other gender nonconforming people.

My analysis of the interview data suggests that participants constructed their identities by performing various roles through complex negotiations of identity indicative practices and embodied traits. The majority of those who identified as TG also used the category 'hijra' to stay relevant locally: partaking in hijras' traditional work for extra income, carrying out HIV activism and responding to attackers on the streets. The analysis conducted in this chapter paves the way for the next two data chapters that explore how gender nonconforming people's attachment to particular identity categories determine their communal bonds, and social and legal aspirations.

## Chapter Five: The Politics of Making Community Boundaries

### Introduction

Community is a broad concept in sociology and can take on numerous meanings depending on the context in which it is used. In general, the concept can be used to describe a group where members share certain norms and values and follow a set of rules. Furthermore, they 'work together to organise social life within a particular place, or they may be bound by a sense of belonging sustained across time and space' (Zevallos, 2013). The majority of participants used the English term 'community' to indicate a collection of people whom they considered their 'own' by dint of their shared marginalisation and with whom they shared an enduring sense of empathy. Patricia Collins (2010, as cited in Pasquetti, 2015, p.708) states that people's motivation for forming communities lies in 'addressing social problems that affect a group by seeing the group as a community that, because it is harmed collectively, is best helped through collective response'. The idea of community has been central to gender nonconforming people in India, which helps them belong to a 'parallel society' in a world that stigmatises and discredits them (Bakshi, 2004). In researching the social lives of the hijras, Nanda (1993) noted the role of community in rendering emotional, spiritual, financial and companionship support to gender nonconforming people in the state of Karnataka. Goel (2016) in her Delhi-based ethnography discussed how community offers 'patronage' to transgender people experiencing a variety of social, symbolic and systemic exclusions. More recently, Ghosh (2022) examined how access to community life enables gender nonconforming people in India to gain access to citizenship rights. While these authors have discussed why gender nonconforming communities are formed, not much importance has been placed on the making and unmaking of community boundaries or on people's relationship with their community – the degree to which they felt a sense of belonging to it.

This chapter explores gender nonconforming people's practices of making and unmaking boundaries by using markers of differentiation along the lines of gender and sexuality, social class, visibility, geographical location, and vulnerability to HIV. It is not merely a typology of inclusion and exclusion; rather, it offers a critical account of the extent to which participants identified with or distanced themselves from other gendered and sexualised identities. It argues that there is no monolithic 'community' but there are multiple porous communities around which participants organised their social lives. The chapter is divided into two sections. The

first section looks at the 'who' of community – who is included and who is excluded and for what reasons. Drawing on the themes discussed in the previous chapter, it examines how participants used their notions of selfhood and identity in recognising communal membership. The second section discusses the reach and resonance of the idea of community in participants' lives i.e. the subjective worth individuals apportioned to their community. In the next chapter, I will go on to discuss what participants' uneven attachments to the idea of community mean for contemporary legal activism and social changes in India.

Generally speaking, community refers to interaction patterns formed when people see each other at regular intervals (Logan and Molotch, 1987). However, Benedict Anderson's (2020 [1983]) theorisation of 'imagined communities' has contributed to a body of scholarship that focuses on the symbolic aspects of community i.e. the formation of communal bonds between people who are not necessarily linked by personal ties but feel a sense of attachment and belonging to each other[61] (Cohen, 1985). Delanty (2003, p.20), for example, talks about community as an 'expression of a highly fluid *'communitas'* (Turner, 1969) – a mode of belonging that is symbolic and communicative – rather than an actual institutional arrangement, and that it is variable, capable of sustaining modern and radical social relationships as well as traditional ones'. The majority of participants' idea of community transcended their immediate environment, incorporating people they never met but with whom they believed they shared their adversities and found comfort in knowing that there were others like them. This chapter does not aim to define hijra/transgender communities or dis/prove their existence. Instead, it explores the various ways in which research participants imagined and experienced community boundaries.

**The Main Determinants of Community Boundaries**

This section examines how participants created physical, social and symbolic boundaries to demarcate 'us' from 'them' (see Lamont, 2001). It examines factors such as gender, sexuality, social class, and occupation that determine who is in and who is out of the ambit of community. It argues that participants' everyday interactions with their peers sculpt their sense of self (in

[61] Anderson's main focus was on 'print capitalism' or how governments and corporations mobilised the print media, before the internet and television, in nation building exercises

relation to others) and lifeworld, and consequently, their sense of community and the social causes they strive for.

### *The LGBT Acronym*

Only a few participants described community using an LGBT framework. These participants argued that people representing the different letters of the acronym form social ties with each other in order to make sense of their common experiences of stigma and long-standing feelings of disenfranchisement. In the following quote, John (Gay/TG, 35) reports feeling a sense of attachment towards lesbians and gays even though he did not identify using any of those identity categories, pointing to the idea that gender and sexual minorities need to find strength in numbers to feel secure in a world that makes them feel alone:

> If someone doesn't identify with the gender designated to them at birth, they are my community. For instance, if a girl identifies as a boy or a boy identifies as a girl…they are my community. A lesbian, for example, is born as a woman but does she conform to everything that society expects from her? As a woman she should be attracted to men, right? But is she attracted to men? No. Therefore, she is part of my community. Similarly, a gay person is born a man and according to societal norms, he should be attracted to women. But is he attracted to women? No[62]. Therefore, he is also part of my community. We all feel alone and out of place in society and that's why we need each other.

The different identities that make up the LGBT acronym are all associated with forms of stigma as their lifestyles contravene social stipulations. Chávez (2010) posits that these identities come together and form a community to anchor themselves to a social substrate and rally around their common goal of emancipation from social oppression. This points to the idea that membership to the LGBT community is not necessarily through a common identity but through members' shared experiences of stigma and their reactions to those experiences.

In the same vein, Benny (MSM/TG, 19) noted:

> The acronym – LGBT can be said in one breath, right? Then of course it is one community. If they can be described using a single word [the acronym], why can't they be one people? LGBT is one word, right? Then it must refer to a particular type of people…with similar experiences […] I have both gay and lesbian friends. We face very similar challenges, and we fight as one people against them. Sometimes, though, we may take a break from community life and fix what's bothering us at an individual level.

[62] Here John is using sexual orientation to determine gender.

Benny's description of LGBT as letters that can be 'said in one breath' suggests that he thinks of the constituent members of the acronym as one people. He sees the acronym as an amorphous entity that materialises when members come together to support a greater cause, but also, on occasion, dematerialises when they pull themselves away from it to fulfil their individual undertakings. Meaning, even though lesbians, gays, bisexuals and transgenders may be members of the same community, they may have different priorities, and cannot always work as a collective. This view was echoed by quite a number of participants who saw the LGBT acronym as a collection of communal ties that did not necessarily translate to members sharing the same or even, in some cases, similar identities[63].

Two participants described their ties to the LGBT community as secondary to their ties to the 'transgender community' i.e. they considered transgenders as part of their 'core' community and the remaining members of the acronym as their 'extended' community. Seema (Hijra, 39), for instance, stated:

> Let me put it this way, lesbians, gays, bisexuals and transgender can sometimes be members of the same community…they can also, at times, be communities in their own right. The LGBT community is like a knot that ties all these identities together. But sometimes these identities can form sub-communities of their own….which may further be divided into even smaller, super-sub-communities. It's a layered arrangement and people situated at various layers may have problems of their own, but they are held into a single piece through their shared concerns.

Seema's formulation illustrates how lesbians, gays, bisexuals, and transgender people form communal ties both within and beyond their particular identity categories. Understood in this way, the LGBT community is a complex and dynamic network of people that share affective bonds of varying strengths with each other i.e. members may feel strong emotional connections towards some identities within the acronym and weaker connections towards others. Seema described the acronym as a 'layered arrangement' where members cohere at the top forming a community, but also branch into their own 'sub communities' whose members presumably have stronger ties between them. Each 'sub-community' has its own socio-political aspirations and priorities, which may or may not be in consonance with that of the rest. But equally, their 'shared concerns', including members' sense of alienation and disenfranchisement, unite them as 'one people'.

[63] Quite a few TG, hijra and MSM participants stated that lesbians and gays were very different from them, on the basis of differences in class.

She added:

Transwomen are my community as we all face discrimination based on our identity…because, you know, we are different. You are different from me as I am different from you. I know that women [biological] face violence and discrimination too. I am horrified by how much they suffer. It makes my blood boil. But, in the end, their issues are taken more seriously by members of society. Rape, for example, is considered to be a form of violence only against women…people never think of sexual violence faced by transwomen as actual violence. Raping a transwoman is not rape…since they engage in sex work, they 'ask' to be raped…and therein lies the difference between you and me.

The above extract illustrates how the lack of a sympathetic audience and public awareness of transgender issues can amplify transwomen's sense of alienation. Seema argues that even though cis women often find themselves in precarious situations, their circumstances are not as dire as those of transwomen because the public is, at least to some degree, aware of them but there is a clear dearth of public discourse on violence against transwomen. In other words, she believed that members of her community receive differential treatment during crisis situations; so, for example, when a transwoman is at the receiving end of sexual misconduct, she has very little hope of seeing her perpetrator facing any social and legal consequences.

In the same way, Arya (Hijra, 40) noted:

So, community to me is all those who identify as transgender. We are part of the LGBT community also. What you need to understand is that…our issue is not our sexuality. I know myself very well… I am a….cis, heterosexual woman[64], and I am attracted to heterosexual men…I am literally trapped in the wrong body. I am not a man…and I have known it all along. For gay men, lesbians and bisexual men it is a matter of preference… sexual preferences…and not identity.

The extent to which my participants collapsed the concepts of gender and sexuality differed from person to person and situation to situation. While this was not the case with some of the participants, Arya seemed to make a clear distinction between categories of gender such as transgender and categories of sexuality such as lesbian, gay and bisexual. Two sites of belonging can be discerned from her quote. While the 'transgender community' appeared to be her primary support system (her 'core community'), the LGBT community served as a peripheral network of social ties. Transgender people mattered to her more than other members of the LGBT community because with them she shared her sense of selfhood as well as social experiences emerging from being a gender nonconforming person. Equally, she believed in

[64] Here Arya calls herself a cis women despite identifying as a hijra.

establishing partnerships with the larger LGBT community to build a larger audience base and draw resources from a larger pool of people. As an activist, Arya prioritised the needs of the different members of the LGBT community differently – she thought of transgenders as her 'own people' and the 'most marginalised' identity among them, and therefore prioritised their needs over those of the others in the community (see also Richardson and Monro, 2012). She further noted:

> I would like to reiterate that I identify as part of LGBT community but at the same time my issues are far more pressing than of a lesbian, gay or bisexual person. Let's say you are a lesbian woman, just for the sake of argument, you are still a cis woman, right? You can get a job very easily. You will face harassment and stigma at workplace wherever you go because of your sexuality…that is a different thing altogether…but nothing will stop you from entering the workforce. Someone like you would be more privileged than someone like me who would be excluded right from the start. My problems are different…it is not my fault I am this way…this is how I was born. I have been programmed like that…it is a result of my genotype programming….caused through no fault of my own.

Using her own example, Arya discussed how transwomen's outward appearance makes them visible in a crowd and exposes them to intense public scrutiny. Whereas the other members of the LGBT community possess the prerogative to pass off as 'ordinary', trans people's appearance was the most 'protrusive' feature of their identity, making it nearly impossible for them to blend into the crowd. Moreover, she explained that her predicament was 'genotypical […] caused through no fault of my own,' claiming that her battles were vastly different and far more pressing than those of lesbians, gays and bisexuals. This sentiment has been echoed in a recent study that suggested that transgender rights can be more 'compelling when gender non-normativity was understood as a precondition rather than a choice' (Khan, 2019, p.12). Lastly, Arya argued that transgenders' specific needs could not be entirely met 'through an LGBT paradigm' and needed the backing of a core community of trans people that had a better understanding of these needs[65].

### *The Union Between MSM, TG and Hijras (MTH)*

A majority of the participants at Basera, both outreach workers and their target population[66] for HIV schemes, considered MSM, TG, and hijras (MTH) as their community. My analysis

[65]Many lesbians and gay men have used essentialist arguments of being 'born' a certain way to push for social change. Whether that is their sincere belief or a form of 'strategic essentialism' is case dependent (Richardson, 2018, p.61-63).

[66] In both groups, the majority of the people identified as TG.

suggests that TG participants tended to align with the LGBT acronym more readily than hijras and MSM and rarely had any reservations about getting involved in HIV programmes. But for both MSM and hijras, the dissemination of HIV aid demanded specific sensitivity to their respective lifestyles and cultures. As discussed in Chapter Two, the early years of HIV/AIDS activism predominantly relied on a Western model which overlooked a large number of vulnerable people whose lived realities were not consistent with the LGBT framework or *samlaingik/vishamlaingik* (homosexual/heterosexual) binary typically used by health workers (Boellstroff, 2011; Finlinson et al., 2006; and Rispel et al., 2011). Reddy (2006) contends that public health framings of homosexuality often fail to pay heed to the differential understandings of gender, sexuality and social class between the developed and developing countries. A failure that, in some measure, accounts for the inefficacy of HIV/AIDS prevention programmes targeted at 'high risk' communities in the Indian subcontinent (Reddy, 2006).

Boelstroff (2011) argues it is a combination of homophobia and heterosexism that makes gay or bisexual identification undesirable, and in some cases untenable, in certain parts of the world. Gay and bisexual lives and identification in India are constrained by the following factors: Firstly, heterosexual marriage and procreation are regarded as one's *'dharma'* (religious duty) and in order for society to follow a largely heterosexual path, aspects of marriage, procreation and family life are closely monitored and governed by one's family and guardians (see Bouchard, 2007; Chakrapani and Ramakrishnan, 2009; Mishra and Sharma, 2007; Ravikumar and Kumar, 2011). Secondly, in India, the binary heterosexual/homosexual system which is predicated on male/female binaries is troubled by the existence of socially accepted, if heavily stigmatised, gender nonconforming categories (who are assigned male at birth), including hijra, *kothi,* and *panthi* (Monro, 2015). Thirdly, homosocial male-to-male relationships are, to some degree, blended into the cultural fabric of India and understood as forms of male sociability rather than discreet sexual orientations or identities linked to those orientations. Consequently, bisexuality tends to remain covert in the country, framed 'in terms of marital status' i.e. married men and women seeking 'supplemental' same-sex sexual contact (Monro, 2015, p. 70). In India, there are an estimated 3.1 million MSM, the majority of whom are in fact behaviourally bisexual and married to women (see Thomas et al., 2011). In this study, participants with wives (and children) and/or ties to a strict parental family experienced difficulty in coming out as gay or bisexual but were, to some degree, comfortable identifying as MSM within the CBO. As Prakash (MSM, 25) noted:

Do you know who MSM people are, ma'am? They are men with families, but they are gay inside. They don't open up to their families about their sexuality and, as a result, don't wish to associate with the LGBT community. When we talk to them, we try to tell them that they are not alone…even if they are not LGBT… and there are people with similar problems.

Prakash describes MSM as 'family men' who are 'gay inside'. According to him, MSM keep their identity ambiguous: while they are attracted to men and have sex with them, they keep this aspect of their life a secret from their families. Because of their public image of a 'family man', Prakash thinks MSM have qualms about visiting CBOs like Basera where they may be identified by a family member or a neighbour. To allay their concerns and help them 'come to terms' with who they are, outreach workers at Basera try to make MSM feel included and safe by putting them in touch with people 'like them with similar problems'.

Scholars such as Nanda (1993) and Pattanaik (2014) describe hijras' sexuality as 'esoteric', 'liminal' and strongly embedded in the *gharana* traditions. Most participants in this study were acquainted with the rules and regulations of the *gharana*s, either from their own experiences of living in one or their interactions with peers who lived there. According to them, hijra gurus have negative attitudes towards sex and often enforce obligatory celibacy on their *chelas* by keeping them at home and closely monitoring their interactions with outsiders. Despite such stringent rules, as some participants suggested, most hijras have sexual partners and/or engage in sex work but keep it a secret (Dutta, 2012). Since most hijras claim to be celibates, the use of a framework that is indicative of their sexuality can be counterintuitive to promoting AIDS awareness (Dutta, 2012). In this regard, outreach workers Kaveri (TG, 22) and Priya (TG, 23) noted:

Hijras do not want to be called transgender they say, 'You are dirty people...sex workers. We live in *gharanas*…we don't have sex…how can we get HIV?' So, we tell them, 'That may be the case, *guruma* [guru mother]…but there is no harm in coming to the CBO and getting tested for HIV. Anyone can get it'. They understand and say to me, 'Kaveri beta [child], you are such a nice girl. Please feel free to drop by anytime you want. We like it when you visit us'. [Kaveri]

We face resistance from the hijras…so we use the kind of language that they want to hear. We don't tell them, 'Get yourself screened for HIV', 'You are a sex worker', or 'You have multiple partners'. People don't want to hear that, right? So, the deal with the hijra community is that they say, 'We don't do sex work', 'We stay in our homes', 'We don't have partners'. That's why I tell them, 'HIV can spread even through non-sexual activities. Let's say, you are walking down a street and the person walking next to you trips and hurts himself. What would you do in such a situation? Try to help them and treat their cuts with basic first aid, right? Now, you may have small cuts on your hands that you

may not even be aware of. What if this person is HIV positive and your cuts come in contact with their wound?' [Priya]

Kaveri's quote suggests that the process of making and unmaking communal boundaries between TGs and hijras is usually bi-directional. Both groups, at different occasions and for different reasons, take the lead role in drawing community borders – hijras may often distance themselves from TGs due to their perceptions about TGs' 'dirty' sex work, and conversely, TGs may distance themselves from hijras' loud presence, their habits and their occupation. Kaveri and Priya, argue that bringing up hijras' sexuality or categorising them as homosexual during HIV/AIDS outreach work may impede its efficacy. The majority of outreach workers suggested that they targeted hijras for HIV intervention by bonding with them as community members, without necessarily labelling them as 'gay' or 'homosexual'. Kaveri, for example, reached out to the hijras as a family member and used kinship terminologies when talking to them about HIV. Priya, on the other hand, respected their claims of celibacy when motivating the hijras to get tested on a regular basis, choosing to emphasise instead the fact that HIV could be transmitted through non-sexual contacts. As discussed in the previous chapter, most TG participants felt a sense of discomfort in identifying with the hijras, indicating that they were more 'ordinary', 'friendly' and educated than the people who lived in the *gharanas.* TGs' disidentification with the label, hijra, does not, however, axiomatically indicate an absence of communal bonds between them and the hijras. The bonds between TGs and hijras, as my analysis suggests, were not merely strategic but also affective as both groups provided each other with emotional support and care (see page 102).

Besides HIV schemes, the majority of MSM, TGs and hijras (MTH) were also unified by their working-class backgrounds[67] as well as shared elements of linguistic, sartorial and behavioural sensibilities. In my analysis of participants' understanding of social class, it became clear that they considered both financial wealth and social status when assigning an individual or a group into a particular class category. When it came to financial wealth, TGs acknowledged that hijras' financial assets far exceeded their own. Nevertheless, they considered hijras' assets to

[67] The majority of MSM, TGs and hijras in my sample identified as working class. The four self-identified middle-class participants – Arya, Seema, Prachi and Bella – stated that they had deep ties with their working class peers and/or had working class roots i.e. working class parents and grandparents. According to my participants, middle and upper class gender nonconforming people did not necessarily need access to NGOs for material or companionship support. Thus, recruiting GNC participants through NGOs meant that my sample mostly comprised of working class people.

be of a communal nature, strictly passed on from one generation to another, thereby limiting their personal use. In terms of social status, compared to the hijras, TGs perceived themselves as more 'respectable' and 'mainstream', yet they identified as 'working class…somewhat like [their] hijra peers' (Nisha, MSM/TG, 24). And lastly, TGs did not make much distinction between themselves and MSM in terms of social class. This can be evidenced by the following quotes:

> My definition of community includes MSM, TG, hijras. Our main objective here at the CBO is to eradicate HIV and make people aware of the disease. I feel a sense of responsibility towards all three identities because all of them are vulnerable to it in different ways […] MSM, for example, have family responsibilities. Hijras have responsibilities towards their *gharanas* […]As outreach workers, we talk to people about HIV…provide them with condoms and urge them to get tested. In this way, we also build friendships with them. [Nisha MSM/TG, 24]

> We [MTH] are one people…we don't know English-Vinglish [reduplication for emphasis] like gays who are rich and vain…we help each other in times of needs. [Salma's, TG, 25]

> Hijras and MSM and transgender are one community. Hijras are mostly into *toli* and *badhai* and only come here when something bothers them. With MSM the problem is that they are not able to reveal their identities the way the rest of us can. They fear that something bad will happen if they tell their families about their sexuality…they keep thinking, 'What will everyone think'. But we are one community…ma'am everything depends on our feelings. Our *hav-bhav* [mannerisms], *pehenna-odhna* [attire], *shringaar* [make up]. These things are very important thing for us. […] We come from not-so-well to-do families…society makes fun of us. [Tuli, TG, 24]

The two elements that perhaps go together in participants' conceptualisation of the MTH community are the sense of stigma attached to being gender nonconforming and the experiences emerging from being working class. MSM, TGs and Hijra participants described experiencing forms of discrimination that upper/middle-class members of the community were largely shielded from, such as facing harassment on the streets, lack of family support, and lack of money. These commonalities, as some authors argue, enable the three groups to understand each other better and cultivate emotional and affective attachments between them (Chakrapani et al., 2012; Singh et al., 2013). Although, technically, the three groups differed from one another in terms of culture and livelihood, most gender nonconforming people tended to traverse their boundaries in different contexts and contingencies (see page 104). Importantly, as some participants suggested, MSM, TGs and Hijras shared similarities in their demeanour (*hav-bhav)* and attire *(pehenna-odhna*), elements that appeared to add cohesive forces to their sense of community.

### *The Possession or Lack of Class Privileges*

The possession or lack of forms of upper/middle-class privileges, such as education, social connections, and public engagements played an important role in determining community boundaries (see also Dutta, 2012). Research participants displayed a range of attitudes towards individuals and groups that signalled a middle-class status to them, including gay men and famous HIV and LGBT activists. About a quarter of the participants felt excluded by gay men and did not think they were part of a shared community. The remainder, to varying degrees, considered gays as members of their community. The following quotes are from participants who felt excluded by gays:

> They [gay men] say, 'What are you doing here? You are filthy people. You do sex work and get your asses fucked by random strangers. Why do you do this?' They are ashamed of us. They have a problem with our lifestyle and how we speak. Many of them are scared of us. [Baby, TG, 23]

> These people smirk… and judge you based on your clothes, the way you talk, the way you behave, the way you express yourself. Gays have a lot of negative opinions about us. Gay...mmm...gay spaces are not inclusive…their parties are full of unfriendly people. If a transgender person creates an account on gay apps like grinder…a lot of them say, 'What are you doing here? It is a gay app. You shouldn't be posting stuff here'. [Arya, Hijra, 40]

> Gays think of themselves as the most prim and proper…educated… people in the community… and treat us as if we are beneath them…mmm they think they are better and don't like spending time with the rest of us. You know how they are, ma'am? They act like elites….aloof, smoke cigarettes, dress as if they own the fashion industry. Gays are different... Never mind how much the trans community supports them they don't support us…they inhabit a different world. They don't like coming to the CBO or the clinics…they are too cool for that. [Priya, TG, 23]

The majority of the gender nonconforming people in this study considered gays to possess wealth, but more importantly, they saw them as possessing class privileges in the form of education, elite friends, Western mannerisms and English language skills. The above quotes are from a hijra and two TGs participants who think of gays as upper/middle-class people with whom they did not necessarily have much in common. These participants believed that owing to their socio-economic status, the actual power to make and unmake boundaries lay with gay men. In this regard, Baby discusses the negative attitudes held by gay men towards TGs due to the latter's presumed involvement in sex work. Arya discusses how gay men tend to think of social spaces like communal gatherings and virtual spaces like online dating apps as exclusive to gays. And, lastly, Priya describes gay men as somewhat self-involved and detached from the wider problems affecting less privileged people in their circles.

A couple of participants, Palak (TG, 27) and Mahi (TG, 22), treated gay men as 'insiders' even though they were not particularly close to them due to perceived differences in class and educational backgrounds. They noted:

I consider gays my community…but they do not consider me as their community. They think they have everything they need…money, power, education, that's why they don't feel the need to come to people like me who work at the CBO. They say a lot of negative things about us, but I still say 'hi hello' to them. Beyond that there is not much interaction. They don't like to include us in their inner circles, you know, like…let's say their parties, their marches, forums. I kind of suspect that they are ashamed of how we dress and talk and ….behave. [Palak]

I have a lot of gay friends, but I think they are different […] They speak differently, wear different types of clothes […] They would gladly visit me at home, but when I ask them to come to the CBO and get tested, they don't show up. So, from what I can gather, they don't mind hanging out with me personally, but they don't wish to associate with the community… they don't condone our habits and what we do for a living. Conversely, they don't include us in their parties and things. [Mahi]

The above quotes are indicative of community borders and boundaries between gay men and TGs. Palak and Mahi attribute the power to draw boundaries to gay men who, as they claim, engage in exclusionary practices such as 'elite' parties, forums, and marches. They talk about the differences in the lifestyles, sartorial and linguistic preferences of gays and TGs, and how these elements, stemming from a difference in their social classes, make it difficult for outreach workers to encourage gays to engage with the CBO. Palak thought that although her marginalised gender status was somewhat comparable to the marginalised sexual status of gays, the emotional ties and bonds of communal attachments she felt towards them were not reciprocated. She believed that gays 'had it easy' due to their privileged socio-economic status, and therefore did not necessarily need the support of a community to overcome challenges in their daily lives. Mahi, who used to identify as gay a few years ago, continues to have gay friends in her social circles. However, she chose to distance herself from the 'gay community' as it became apparent to her that gays were 'different' in terms of their 'upper-class' lifestyle.

AIDS awareness schemes in India rely upon the financial backing and political clout of corporate and individual benefactors (see, for example, Ng et al., 2011; Tanwar et al., 2016). These incoming funds are gatekept and channelised into specific causes by activists – who are, to some extent, involved in grouping gender and sexual minorities on the basis of specific social, legal and medical criteria (Dutta, 2012s. The emergence of HIV activism in India has led to the separation of people along different levels of activism and public engagement. The

research participants displayed a range of attitudes towards famous LGBT and HIV activists, while some participants appreciated their contributions, some others were indifferent towards them, and some openly denounced them. About a quarter of the sample considered well-known international activists, for example, Elton John and Indian activists such as Laxmi Narayan Tripathi and Gauri Sawant as their 'own people' and expressed pride in their achievements. These participants believed that some activists did in fact support and advocate for 'ordinary' members of the community from a vantage point afforded by their elevated position in society. Nisha (MSM/TG, 24), for example, discussed the role played by the Elton John AIDS Foundation in uplifting the global LGBT community, but more especially, she explained how without its patronage Basera and other such small-scale organisations would not exist in India. She stated:

> If one day I become a big guy, I would still continue to have ties to my community and support them. Ma'am, rich people support us. Elton John is such a big guy…still… he supports us. He has a lot of money, but I still consider him a community member…because he isn't selfish and directs his money towards important causes like supporting our organisation. To be honest with you, ma'am, I don't think you would be talking to me had there not been an Elton John. So, you see, ma'am, rich people can be good too…it depends on how you see things.

Baby (TG, 23) invoked the Indian caste system to draw parallels between class hierarchies within the Hindu caste system and those within the LGBT community. She thinks that just as people from various social classes within a particular caste can interact and function together, so too can people belonging to different classes of the LGBT community. Significantly, she claimed that people belonging to a particular caste, regardless of their personal wealth, are members of a community and that they can co-exist and contribute to its functioning in their own ways. She maintained:

> We are just the same people. Let me try to explain this through an example…you could be a rich *bhangi* [people who work in the leather industry] and I could be a poor *bhangi*…but we would still be brothers because we are both *balmiks* [members of the Scheduled Caste[68]]. We are still part of the same community and we contribute to it in our own ways…it's just that you, being a rich *bhangi*, would have more money than me. No matter how you look at my hand… from the front or the back, it is still my hand.

Aziz and Azhar (2019) discussed how transgenders in Bangladesh felt disenchanted with the system that treated them like 'poster children' for emancipation on special events while

[68] Refer to page 23.

'abandoning' them for the remainder of the year. Their study illustrated how a handful of people at the top, who had access to financial and human capital, dictated the terms and conditions of activism, the prioritisation of its projects and the community's participation in them. This was mirrored in my study where a few participants expressed a sense of disaffection towards the current state of activism that put a handful of people in charge of making crucial decisions for the community, while disregarding the voices of those for whom those decisions were made. A few participants reported feeling excluded from important decision-making processes and blamed activists for not collaborating with them on these matters. For example, Cora (TG, 25) and John (Gay/TG, 35) noted:

> You know those who have reached somewhere in life don't care much about those who are left behind. They are happy in their own world and that's all that matters to them. They don't look back and see what the rest of us are doing in life. All they want is *masti* [to have fun] in their *mast* [fun] world […] They never include us when they make important decisions on our behalf. They never tell us where their money comes from and where it goes. They never tell us anything.

> I believe in one thing – if I want to do something for my community, I can't be chasing money and popularity. If I am after popularity and money… maybe activism isn't my thing. I think activists should be like Mother Teresa. She didn't have any ulterior motive behind her charity work. Now, Laxmi Tripathi and Gauri Sawant can be a very nice people, but I am sure they wouldn't want someone else to replace them.

Not all participants viewed well-known LGBT activists as members of their community as some of them doubted their motives and motivation for activism. Cora felt that famous people from the community were indifferent to the plight of 'ordinary' people and expressed frustration with the ways in which they ran and gatekept financial affairs. John, on the other hand, felt that it was money and fame that motivated activists to take up the social causes of the community, rather than their emotional ties to it. Thus, along with a shared sense of identity and/or discrimination, boundary relations were dictated by participants' perception of who cared for the 'ordinary folks' in the community and stayed connected with them.

### *The Transnational Community*

Various authors have discussed the emergence of a global LGBT community, whose aspirations transcends the local, more or less homogeneous environment and draws on the values of a multitude of gender and sexual minorities across the world (see, for example, Chang, 2014; Martel, 2018 and McAllister, 2013). While very few participants could speak or

understand English, quite a few of them had met international activists at various LGBT events held in Delhi, such as pride marches and international conferences. These participants tended to identify with the struggles of gender and sexual minorities worldwide and argued *'community toh community hai, chahe kahin pe bhi ho'* ; meaning, 'community is community no matter where members lived'.

Ghaziani (2015) argues that LGBT communities are amorphous in the current era of globality where borrowing and cross-fertilisation of ideas and practices characterise urban metropolises. The formation of global LGBT communities cannot merely be explained by globalisation – a primarily top-down formulation in which local subjects uncritically imbibe foreign values (Lakkimsetti, 2016). Instead, their emergence and consolidation in recent years speak to Castell's concept of Glocalisation or the mutual appropriation of norms and practices between the global and the local. As Castells argues, 'We are not living in a global village, but in customised cottages globally produced and locally distributed' (Castells, 1996, p.341). Whereas globalisation has a top-down implication (and an implicit bias against the orient), glocalisation treats the global and the local as co-constitutive and mutually penetrative, resulting in people simultaneously inhabiting local, trans-local and transnational discursive spaces (Delanty, 2003, p.123).

Rapid glocalisation in recent years has offered gender and sexual minorities in India new paths for building social alliances, new causes to strive for and new symbolism to follow (see, for example, Billard and Nesfield, 2020; Hazarika, 2020). Scholars like Lakkimsetti (2016) and Malik (2013) have explored how Indian LGBT activists, through their involvement in global AIDS forums, bring home international norms and advance the cause of LGBT rights in India. Accounts of activists who took part in this research indicate that international alliances have helped them in two senses: firstly, the LGBT rights discourses in western societies have inspired them to make similar rights claims from the Indian government, and secondly, the revival of global interest in India's 'queer friendly' past has aroused a sense of pride in Indian activists and elevated their status in international circles. Global organisations like International AIDS Society, The Global Fund, and Elton John AIDS Foundation allow activists like Seema (Hijra, 35) to reach out to a global community for solving local problems. Through her involvement in these organisations, she has come across unique stories of LGBT people

worldwide. In the following extract, Seema discusses how her own advocacy is informed by the strategies adopted by other developing nations:

> We have learnt so much from international activism. We learnt that LGBT people in South Africa enjoy certain rights that we don't have in India. So, we followed the footsteps of South African LGBT activists and used their case to argue against Section 377 of the Indian Penal Code. I can give you another such example…The Thai government offers PrEP[69] medication to all those who need it for free. How come a medicine that is manufactured by Cipla Pharmaceuticals here in India cannot be given to Indians for free? Furthermore, I think the world can learn a lot from us too. I believe that we are in a position to offer guidelines to countries that don't recognise transgender people… to help create such a category.

Scholars have described global communities as 'contested' and 'politicised' spaces where activists representing societies at different stages of emancipation interact (see, for example, Atluri, 2012; Caouette, 2007; Spivak, 1996). They may have different aspirations, priorities and causes to strive for, and their actions in pursuit of tackling these issues may follow different trajectories (Werbner, 2005). In the above extract, Seema discusses how two developing nations, Thailand and South Africa, serve as models of LGBT emancipation to India. The Thai government, according to Seema, stays on top of public health by providing PrEP medication free of cost to vulnerable people. She believes that India, which has a similar economy, can provide this medication free of cost to its vulnerable population, especially given that it is manufactured by an Indian pharmaceutical company. The case of South Africa serves as an example of a developing country surmounting both legal homophobia and colonial moral codes as early as 1996[70]. Seema also thinks that activists from countries that have not yet legally recognised transgenders can learn from India's legal activism around issues of trans-rights to chart out their own activism strategy. Thus, the cultural learnings taking place at global forums cannot be accounted for by 'globalisation' alone rather, what seems to be more consistent with the exchanges taking place at these forums is Castells' 'glocalisation' where the global and the local, in some sense, interact and shape each other's agenda.

In addition to international activists, several non-activist participants also felt a sense of belonging to a global LGBT community. The analysis of their accounts indicates that attachment to large-scale structures of direct, indirect as well as imagined relationships played

[69] Pre exposure prophylaxis or PrEP is taken by people vulnerable to HIV/AIDS to prevent infection.
[70] By comparison, in India, Section 377 of the Indian Penal Code, popularly known as India's 'anti-sodomy' law, was revoked in 2018.

a role in shaping their aspirations and their sense of selfhood and belonging. The following quote from Mahi (TG, 22) illustrates this point:

> Community is community. Last year, about 7-8 people from the West Indies had come [to the CBO]. They were also sex workers, just like us. I really enjoyed talking to them…learning new things from them…they were so open and easy going. Knowing that there are people like me all around the world, and that some of them have a happy life, makes me hopeful about the future.

Mahi was aware of people 'like her' worldwide and attached herself to a community beyond her immediate environment. Her description of international events at Basera as sites of 'new learnings' suggests that the knowledge of global values may have awakened new aspirations in her and that dismissing the global as far-fetched or unattainable might diminish her hopes for a better future. The LGBT advocacy workshops held at Basera bring to light stories from around the world and make them available to local actors who may not be aware of them otherwise. Participants' accounts suggest that their ties to the global LGBT community, whether direct or indirect, were alive, functioning, and supportive of their endeavours. In this regard, Rahul (MSM/Gay, 24) and Rudy (Gay, 26) noted:

> I consider them [LGBT people outside India] my community. We are different people…in the sense that we are not attracted to members of the opposite sex, and because of that we are labelled deviants by society. For this reason, I am automatically drawn to people who are like me no matter where they come from. If I ever met a lesbian woman from America, I would love to hang out with her…. eat with her, enjoy a drink with her, share my experiences with her. We are friendly people, and we enjoy each other's company a lot. I would also like to know from her how she deals with her problems …what she says to people when they treat her badly. [Rahul]

> LGBT people from outside the country are the same as us. We are a community. We go through similar problems…people hate us no matter what part of the world we live in. I know there are places in the world where LGBT people have some degree of freedom…like Singapore and Thailand, where it's okay to be gay…and gays can get married. I have a friend in Thailand who proposed to me recently. I have been there a few times and had a great time […] The next time I visit, I would ask my friends living there how they managed to get to that stage and if they face any problems now. [Rudy]

Both Rahul and Rudy felt themselves to be part of a global community comprising people from different backgrounds who were labelled 'deviants' by their dominant society. They felt a sense of connection to sexualised identities across the world and took cues from their social lives, including their sense of stigma and strategies of resistance. Interestingly, some participants found lesbians and gays from outside India to be more relatable than their Indian counterparts. My analysis of their responses suggests that this has to do with the fact that gender and class

differences are more noticeable locally than on a global scale. Priya (TG, 23), for example, described the global LGBT community as her global *'parivaar'* (family). She stated:

> I will always be comfortable around my community no matter where they are based. I don't have too many guy friends but have a good number of girlfriends whom I am very close with. However, I always wonder if they fully accept me and never ever think of me as an outsider. I am sure some of them think, 'Oh she is a transwoman…not a real woman'. But LGBT people, no matter where they are from, will always understand me.

Earlier in the section, I discussed Priya's discomfort in forging communal ties with gay groups in India. In the quote above, however, her identification with and affinity for international LGBT people is quite evident. This tendency is indicative of a departure from relationships purely based on direct personal contact – with people with whom rivalries and competitions are more tangible – to those beyond one's immediate environment. As Lakkimsetti (2016) argues, the image of a global community has reconfigured the logics that shape assessments of what constitutes familiar or foreign in people's minds, which at times brings geographically distant people closer to each other than people at home. Whereas direct relationships can lay bare people's prejudices towards class, communal and regional differences, such differences may seem less apparent when community constitutes indirect relationships. Priya's quote attests to the possibility of imagining LGBT as a global community – mobilising, commiserating and affecting changes together.

By contrast, Precious (Hijra, 45) did not see herself as part of a global *'parivaar*' (family) and believed that its 'modern' values posed a threat to hijra's religious order. For some hijras like her, attaining a sense of belonging to a global community might be difficult since it is not located in their realm of everyday experience but in abstract connections across space and time. She noted:

> I don't believe in an international…shinternational community [reduplication for emphasis]. I only know one thing…we are the hijras….and we will always be hijras…we share our sorrows, happiness…everything with each other and we have problems that an international community can't help us with. I have a few hijra friends that I trust… and that's pretty much it. They [the NGOs] have already started telling us…do this….don't do that. I fear that one day they might take complete control over our lives…and when that day comes…people like us would have nowhere to go. Look, I can neither speak English nor am I educated…how does a person like me interact with foreigners? Some people working at the CBO are able to engage with them…all I am saying is that I don't possess these talents.

The above quote suggests that Precious was strongly embedded in her local environment and had a limited circle of friends with whom she had most of her social interactions. She was very proud of her heritage and believed in preserving its 'purity'. Precious expressed her anxieties around the expansion of global expressions of community, alluding to the fact that some of her TG peers' recent claims to a globality are running up against the particularistic and local expressions of community. The above quote therefore suggests that local gender and sexuality subjects, who may not possess the cultural tools to access the global sphere, such as appropriate language skills and qualifications, or have personal investments in it, are often unable to envision themselves navigating through international LGBT circles. Beyond this, these participants fear losing some of the cultural (the songs and dances) and material aspects (*gharana* wealth) of their lives with the advancement of globalisation.

### *The Gender Binary Within the LGBT Acronym*

Almost half of the sample excluded people from the opposite biological sex within the LGBT acronym from their idea of community[71]. My analysis of TGs' accounts suggests that this exclusion was due to participants' belief that lesbian and queer women i) experienced lesser stigma, ii) had supportive familial ties, and iii) were generally 'masculine' and 'domineering'. In this regard, Dolly (Gay/TG, 32) noted:

> Gay, trans, hijras and so forth are my *bhai* [brother], *behen* [sister], *humsafar* [fellow traveller], *humsathi* [companion] or *humdard* [empathiser]. If a community member is involved in a fight, I will definitely support him…that is, if they are not the offending party. My loyalty is always towards my community and their safety is my priority. Lesbians, on the other hand, have family support, they don't go for *toli-badhai*. They don't face the same issues as the rest of us.

Molly (TG, 22) echoed the same point:

> Lesbians and transmen are not part of my community. Community to me is GBT. Lesbians are women…very different from us. They have a woman's body. They don't face the same problems as the rest of us and their problems are not as dire as ours. If a gay man and a lesbian woman stand next to each other, the gay man would appear more feminine and much weaker than the lesbian woman.

[71] As I have argued earlier, HIV/AIDS funding can be important in fostering community links for groups who are seen as needing HIV advice (e.g. IDUs and sex workers), and in excluding others who are perceived as not needing HIV awareness programmes (e.g. lesbians, transmen and queer identified women) (see, for example, Richardson, 2000).

Lesbians dress in a manly way and behave like men and a man is always stronger and more powerful than a woman. Lesbians are more vocal and can fight for their rights.

Both participants felt that by virtue of being a woman (or being perceived as one), lesbians and transmen are generally restricted to their domestic spheres, shielded from societal judgement and vilification (see section on 'the LGBT community'). Interestingly, participants also felt that lesbians and transmen are 'masculine' and significantly more assertive and vocal about their rights than MTH. Most participants (if not all) believed women to be incapable of understanding the direness of their circumstances and, as a result, did not trust them with their secrets. To this day, in India, queer women remain largely invisible (D'souza, 2018[72]). Due to their invisibility some people presume that they do not face struggles, or that their struggles do not matter.

The two queer identified women I interviewed at Nazariya, Shreya (Queer, 23) and Pallavi (Queer, 36), did not include people assigned male at birth (MAB) within their notion of community. They stated that LGBT activists placed relatively greater importance on sexuality than on gender-based issues (earlier in the chapter, Arya makes the distinction between gender and sexuality issues). Consequently, their activism has tended to focus upon the problems of people assigned 'male at birth' (MAB) than those of people assigned 'female at birth' (FAB). Shreya described community as a site of shared understanding of discrimination where people could 'talk about things' with peers 'who get it'. For both of them, this constituted queer people 'assigned female at birth'– even though they acknowledged that queerness was contextual and that its definition 'was far too broad' as a descriptor of community. They saw FAB as 'small players' in HIV schemes occupying the margins of an already marginalised community whose issues were 'highjacked' by those of MAB. According to Pallavi, FAB issues do not seem 'so urgent' to activists and funding bodies as they were not 'undergirded by narratives of violence'. They noted:

I think queerness…like…it changes from person to person. I think of it…in a general sense, as a group of queer people…regardless of how they define their version of queer, like a community that I belong to…and relate to. Within that community you have like certain people, you know, you can talk to about

[72] D'souza, D. N. (2018, August 5). Now You See Her, Now You Don't: The invisible lives of queer women in India. The Indian Express. https://indianexpress.com/article/express-sunday-eye/now-you-see-her-now-you-dont-queer-women-in-india-5289028/

these things, people you can go to...people who…you know…get it. That is…like it definitely means a lot. [Shreya]

For me, FAB[73] is community [emphasis]. People use this word [community] a lot because…I think it provides a safe space for people to talk about issues, to discuss issues and that's community as far as I am concerned. [Pallavi]

The law enforcement has used Section 377 almost exclusively against gay couples and male-to-female transgender sex workers. Understandably, then, the overriding focus of LGBT activism, so far, has been to repeal the law that they believe to infringe on their human rights. The LGBT community's long-standing preoccupation with the law has, on the one hand, yielded positive policy outcomes in the form of the state's recognition of LGBT's right to privacy in 2017 and the rescindment of Section 377 in 2018 (after the completion of my fieldwork). But equally, this has relegated the social issues of FAB to the margins of activism[74]. The fraught encounters between gender and sexual identities and MAB and FAB, leads one to believe that there is not one but many communities coexisting and operating simultaneously.

**Different Values Attached to the Idea of Community**

The following section explores the degree to which participants apportioned worth to their communities, however they defined them, and the ways in which they established community relationships. It raises the following questions: Who wants to be a part of a community and who wants to reject it? To what extent and why? Moreover, what resources do participants have to say that they are not part of a community?

***A Limited Sense of Attachment to the Idea of Community***

Eisenhower et al., (2008, p.5) argue that it is not a rigid sense of 'us vs. them', but rather, people's perception and projection of sameness and difference in various social situations that guides whom they reach out to. Instead of 'looking inwards' to a community to satisfy all their needs, some participants 'looked out' towards the wider world for support, thereby building alliances outside their community. Put differently, they fought for their rights and rightful place in society by staying embedded in it and making claims through its institutions. Rudy (Gay, 26), for example, felt that gender and sexual minorities need to ramp up their social

[73] Pallavi did not include cis women in her definition of community.
[74] Even though TGs believed the opposite to be true.

participation and champion causes that matter to them by taking part in protests and reform movements. He stated:

> For a long time, hijras have looked to their community for support… this has made them incapable of dealing with problems on their own. Now, it's our turn to decide whether we want to repeat the same mistakes made by the older generation or keep up with the times that we live in? We have to engage with society, with the police, lawyers etc and make our *pehchan* [identity] known to them […] I, for one, don't think it a good idea to turn to your community the moment something bad happens…it makes you incapable of solving your own problems. Instead, I think we should take part in good causes….engage in peaceful protests, *andolans* [reform movements] and make our demands known to the world.

Rudy seems to believe that taking shelter under a community every time someone faces stigma, or a challenge diminishes their ability to deal with problems. He blamed hijras' long-standing allegiance to a closed community for their detachment from social norms and practices, pushing for a generational shift in how people built communal relationships and the extent to which they relied on them for solving individual problems. He went on to propose an alternate route towards mitigating stigma that does not reject society but works with its actors and institutions to bring about equality and justice for gender nonconforming people. Similarly, Salma (TG, 25) believes that in order to bring about improvements to their social circumstances, TGs and hijras must face society and make claims through its institutions:

> If we [hijras and TGs] pass by a street every single day, people will start seeing us as normal people... they may even start understanding our issues and stop seeing us as outsiders. I live in a regular neighbourhood, interact with regular people and only want ordinary things in life. People appreciate the fact that despite being a *kinnar,* I am a productive person…that I have an office job, which is my ticket to regular life… that unlike some people from my community, I am not making excuses for my situation. I do not have much in common with people who believe in sharing their problems only with their community, forgetting that they could even speak to regular folks about stuff.

In Salma's view, TG and hijras' sustained engagement with society is crucial in surmounting gender-based marginalisation. She belonged to the majority of the sample that wished to take advantage of the welfare schemes outlined in the recent reforms and look for 'gainful' employment options. Yet, as I will discuss in the next chapter, she was conscious of the fact that not all 'third gender' people were in a position to take advantage of these schemes. Salma talked about her desire to live as an 'ordinary' person, pointing to her day job at the CBO as her 'ticket' to 'ordinary' life. Her desire to live an 'ordinary' life was also reflected in her choice of neighbourhood, interactions with people and a preference for 'ordinary things' in life.

In the context of North America, Desmond (2012, p.1295) discusses how the urban poor invest in 'weak and disposable ties' which 'facilitated the flow of various resources, but often bonds were brittle and fleeting'. The strategy of 'forming, using, and burning disposable ties allowed people caught in desperate situations to make it from one day to the next' (Desmond, 2012, p.1295). A similar strategy is oftentimes mobilised by young gender nonconforming people running away from their family homes and looking for freedom in bigger metropolitan cities like Delhi. In order to be housed, these individuals often join a hijra *gharana* where their basic needs are taken care of in return for their labour and a monthly fee[75]. Cora (TG, 25), who described herself as 'community-less', stated that members of her former *gharana* did not reciprocate the 'gifts and other gestures of kindness' that she 'showered' upon them:

> People from my so-called community talk to me only when they need something from me, nobody talks to me when I need them. Also, ma'am, people in my community who are not so good-looking resent me because of my looks…they don't think, 'Oh well! She is our community even though she looks nice' [laughs]. So, I don't use the term community in the same way that others do. I will tell you the truth… I am on my own…I don't want to be part of a community or get involved in its petty politics […] I have a friend, whom I also consider my *guru*, and that's about it. When I face problems, I come here [to Basera] to discuss them with people. Every human lives for himself and not for others […] The *hasi khushi parivaar* [a happy family] image projected by the hijras is only a pretence. Community relationships…mother, father, brother, sister, husband, wife, kids have no real meaning or value in today's world. I don't think members of my so-called community are any closer than members of your community [mainstream society].

The above quote is interesting because it suggests that shared experiences of marginalisation do not necessarily translate to affective bonds or a sense of community between people. Cora reported that her peers never supported her when she needed them but reached out when they needed something from her. Moreover, she thought that the 'so-called' members of her community felt negative feelings, such as jealousy and resentment more than they felt a sense of camaraderie for each other. Based on such observations, she pointed out that in contemporary times, people are driven by personal rather than collective interest, and so, the role played by community is largely obsolete. Lastly, Cora argued that even when community members projected a sense of *'hasi-khushi parivaar'* (happy family) to the outside world, they

[75] Although TGs frequently make and unmake strategic bonds with *gharana* hijras, these bonds are of a more stable nature than the ones that Desmond is referring to.

had very little, if any at all, connection with or concern for each other. The tension between individual and collective identities was echoed by Joan (Hijra, 19), who noted:

> I am fairly independent, but I don't have complete independence in the sense that I am still tied to a *gharana*…and somehow cannot untether myself completely from it. When I left my parents' home to come and live with the hijras, I took a vow of allegiance and promised my unconditional loyalty to my *guru*. Unfortunately, I haven't received the same loyalty in return. Let me just say this, there is nothing loving or supportive about a *guru-chela* relationship. People think that gurus support their *chelas*…but that's just theory. The reality is far from it. See, not that all gurus are exploitative…some are nice and treat their *chelas* with kindness. My *guru* was making some of her *chelas* do all the housework, washing and cleaning and cooking but didn't offer them anything in return. She was very conniving and created a sense of competition between her *chelas* to get her work done. On top of all that, she always sided with her favourite chela during fights.

Reflecting on her experiences of living in the *gharana*, Joan opened up about the exploitative relationships constituting it. Joan's guru, for instance, expected some of her *chelas* to defer to her wishes and shoulder the bulk of the household duties, even though she did not offer them 'anything in return'. Furthermore, she created a sense of competition among her *chelas* by favouring some and cornering others at different times – a tactic she employed to extract work from them. On top of exploiting her *chelas* emotionally, she reportedly drained them financially by demanding that they pay a fixed fee for the upkeep of a 'crumbling' *gharana* that 'did not have a future'. In the end, sustained exploitation at the hands of her guru and certain peers drove Joan out of the *gharana*, forcing her to learn to live on her own.

While most of the participants lived in rental accommodation in low-cost slums in Delhi, about a quarter of them lived with their families or partners in more permanent dwellings (discussed in more detail in the next chapter). The latter group's ties to a family offered them the wherewithal to live on their own terms, not having to rely on a community to the same extent as a person with little or no familial support. So, in some sense, it is discrimination and/or access to particular forms of support that marginalised people have that is crucial to the construction of the idea or need for community. In this regard, Bella (Kinnar/Hijra, 35) reported that her family had to go through a lot of hardships in order to keep an 'atypical' child at home and believed her marginalisation to be as much a familial struggle as it was a personal one (see page 48). Owing to her ties to the larger society, she 'always made an attempt to understand where others were coming from', believing stigmatising attitudes and behaviours to be 'born out of ignorance rather than malice'. She stated:

Community can provide safety and comfort to some folks, but it can also make them feel like they are going to be completely alone in the world without their community brothers and sisters […] I have always been independent, accomplished everything on my own and never felt a sense of connection to a community. Anyone can be my friend…a regular man or woman or a transgender person. How can you draw boundaries in friendships? After all, we are human beings, and we are capable of understanding each other. I share my identity with other trans people…and of course that's a good reason to become friends. But we would need something more to sustain that friendship. Now, you and I are sitting next to each other in this room and I am already seeing you as my friend.

On the one hand, Bella felt that attachment to a community can offer some measure of protection to gender nonconforming people from unjust social norms. But equally, it can lure them away from society and exacerbate their sense of disenfranchisement. Even though Bella identified as a hijra, she did not live in a *gharana* as she had 'more in common with her regular friends' than she did with other hijras. This indicates that she thinks friendships can be struck with people from all walks of life, including those who do not share her minority or marginalised status.

### *Strategic Communal Ties*

Delanty (2004) argues that the plurality of members' objectives may cause a shift in the basis of community from an unnegotiable attachment to a common identity towards strategic relationships between people dispersed across identity categories, as well as in the nature of its borders from rigid to more porous ones. The analysis of interviewees' accounts showed that strategic decisions tended to determine communal alliances more than attachment to a common identity. In the case of outreach workers (ORWs), of whom there were seventeen in number, the multidimensional nature of their work that included disease prevention and control, information dissemination, and public sensitisation, had important bearings on whom they included in their definition of community and under what circumstances. When discussing the composition of community, ORWs factored in their own identity, their target group's identity, as well as that of their key audience/stakeholders in activism (such as the law enforcement, policymakers, lawyers or society at large).

Prachi (Hijra, 40), for instance, noted:

Yes, there is a community, but it depends on the context. It depends on the situation. It depends on the issue at hand. It depends on whether I am working at the district, state, national or international level. If I am advocating for the needs of a particular community, I will explicitly state that I am representing

them. When I am working at the national level at an Infosem[76] forum …. I cannot say that I only represent the transgenders and that they are the only ones that need attention. Instead, I will have to speak for entire LGBT community.

In Prachi's view, the awareness of context is essential to carrying out AIDS activism. She saw communal alliances as complex and dynamic, changing with the topic and the situation at hand (also argued by Seema earlier in the chapter). Depending on the level at which she operated, district, state, national or international, she decided who her community was and how best to address their needs. HIV/AIDS outreach requires activists to reach out to a diverse group of people with whom they may not share a common identity but with whom they must join forces and chart out a course of action against the spread of the disease. Prachi identified as a hijra at the local level where part of her responsibility was to sensitise hijras about HIV/AIDS, and as a member of the LGBT community at the international level where she interacted with global activists and worked towards channelising funds into Indian LGBT causes. Necessarily, then, a singular community was not adequate to take care of all aspects of her activism. Rather, her strategic ties to various communities, based on her knowledge of the context and key audiences, helped her navigate through diverse social situations.

Quite a few outreach workers included straight people who were also vulnerable to HIV/AIDS, such as female sex workers (FSWs) and intravenous drug users (IDUs), within the ambit of their community. These participants reported that knowing a diverse group of people, initially in a professional capacity, had resulted in an expansion of their social circle and bolstered their voice in the fight against HIV. Eventually, these social ties intensified and became more meaningful, leading to FSWs and IDUs becoming incorporated into some participants' idea of community. Bonny (MSM/Gay, 31), for example, noted:

When I say 'community', I not only include LGBT people…I include sex workers…and also, drug users…they are also community to me. Of course, we are not the same people, but our circumstances can be strikingly similar. When a drug user comes to our CBO, no one judges him or her …we don't see them as a *nasheri* [addict] or a *ganjeri* [a *ganja* addict]…. that's the meaning of community. The

[76] Infosem: short for India Network for Sexual Minorities, is a nationwide collective of sexual minorities that ensures equality and discrimination free environment in 'all walks of life' for their community.

NACO[77] meetings not only address the concerns of LGBT people but also those of FSWs and IDUs. If you and I sit and talk to one another, we will learn new things, even if we have different identities.

In a similar vein, a few participants included female sex workers within their notion of community as they shared with them the stigma of being involved in sex work. For example, Misha (Gay/TG, 26) noted:

We don't mind working or living with them [FSWs] because they are like us and we are like them….and so we can relate to each other's problems. They face the same crises…and the same stigma…they feel the same pain. Just like us, they don't like doing what they do but do it anyway because they lack alternatives. Like us, if the time is right, they would like to settle down and have a family of their own.

Misha defines community in terms of common experiences of stigma linked to sex work and the range of emotions that those who are involved in it can relate to in a meaningful way, such as insecurities around family life and concerns around safety and stability. According to her, female sex workers spend their lives not knowing if they would have a family of their own– a feeling she was herself familiar with. Thus, even though she did not share her marginalised gender identity with FSWs, she shared her insecurities and experiences of stigma with them.

In his work among hijras in the North Indian city of Varanasi, Cohen (2005) looked at how the expansion of HIV/AIDS projects in the 90s catalysed the 'splintering and spinning off' of hijra communities into traditional i.e. hijra, and modern i.e. TGs factions. Soon it was realised that in order to promote HIV awareness in a consolidated manner, the relationships between the two factions needed to be mended (Cohen, 2005). The outreach workers in this study reported that in order to promote reconciliations between TGs and hijras, they host a variety of social events at Basera, such as weekly tea parties, prayer meetings, birthday parties etc. During my time there as a fieldworker, I observed that whenever the two 'factions' met at such events, they liked to express themselves through their songs and dances. Such practices of the TGs relocated the 'carnivalesque utopia' (Cohen, 1995, p.293) of the hijra *gharanas* into the modern setting of a CBO. It may be useful to think of HIV/AIDS as a social node around which numerous MTH social networks have coalesced in the past couple of decades. Community-based organisations that came about as part of AIDS advocacy have afforded a safe and modern

[77] National AIDS Control Organisation

space to a variety of gender nonconforming people to socialise and render emotional support to each other. In this regard, Nisha (MSM/TG, 24) noted:

When someone comes to our NGO, we let them use the wifi for free…say, for an hour or so. We let them sit at the computer and play games and such. Sometimes we screen movies on the computer for them. We host events to encourage more people to get tested at our clinic…and to educate them about HIV. So, when people visit the NGO for whatever purpose…we end up talking to them, sharing our thoughts and feelings with them …this makes us their friends…and, in a way, you could say, community.

The above quote discusses how strategic encouragement of HIV testing both draws upon and reinforces communal bonds and practices. According to Nisha, outreach workers offer a range of free or inexpensive services, such as internet access and beauty treatments to their clients in an attempt to motivate them to visit Basera and get tested. Occasionally, by playing the *dholak* (Indian drums) at the CBO and dancing to its beat, they would try to create an atmosphere that resonated with their clients' sensibilities, and in the process, revive their community practices and bonds. In a similar way, Silky (TG, 22) discussed how her beauty training has contributed to Basera's HIV/AIDS awareness efforts:

When you start something new, you have to make some initial investments …you must offer something to your target groups so that they keep wanting to come back to you. When we started Basera, we organised a party for the hijras …which they really, really enjoyed. Since then, they have been visiting the CBO and spending time with us. Some of them come to me for a makeover…I can wax, thread, do a facial… you name it…they don't shy away from me because they see me as their community member. And, when they come to me, I use the opportunity to talk to them about HIV.

Ankita: What do you say to them?

I ask them, 'What do you do for a living, sister? There is nothing wrong with sex work. All that matters is that you know everything you need to know about safe sex'. It's actually relatively easy to talk to them about these things because we are community. HIV is a serious topic ma'am….it involves talking about illness and death….so we try to lighten up the mood of the place through our songs and dances.

Silky thinks that a conducive environment where target groups feel safe, relaxed and free from judgement is important in building trust between them and outreach workers. Moreover, feeling a sense of connection towards outreach workers and/or seeing them as part of their community helps target groups feel comfortable in making the decision to get tested. As Silky went on to say, discussions on HIV/AIDS can be quite stressful for both parties because any discussion on the topic can remind people who are vulnerable to HIV of their own death. Such topics

require delicate handling by outreach workers so that they do not deter vulnerable people from coming back to the CBO.

As discussed in the previous chapter, strategic ties to a hijra *gharana* endows TGs with a degree of formal patronage, offering protection from other hijras, local bullies and harassers and corrupt police officers. Dolly (Gay/TG, 32) and Preeti (TG, 25), for example, reported maintaining nominal ties to a *gharana* to protect themselves from police brutality:

> If you have connections with a hijra *gharana*, other hijras will think twice before harassing you. See, hijras don't like to spite each other. If a hijra ever asks me, 'Whose *chela* are you, *beta* (child)?' I have an answer ready for them. From my response, they will gather that I am not a nomadic gay person and that if they try to harm me, my *guru* will fight back. So, the *gharana* really is like a safety net to its members. [Dolly]

> My hijra guru has come to my rescue when a *policewala* [policeman] tried to harass me. She started clapping, got undressed in front of everybody. I myself could never have done that…it is embarrassing [laughs]. You know why that is? My guru is a 'proper' *kinnar* – meaning, she has undergone emasculation. I am a TG…I still have my male parts. My guru has undergone an operation and has no qualms about getting undressed publicly. The police, just like the rest of Indian society….thinks that hijras can inflict pain and suffering on their lot…that's why they are so scared of them. [Preeti]

The above quotes explain how hijra *gurus* can provide succour and protection to young TGs who leave their family homes with little to no social and economic wherewithal. In some cases, *gurus* continue to take care of *chelas* even after they have left the *gharana* by protecting them from the police and predatory men. Through their embodied acts of rebellion – clapping, stripping and flashing their genitalia – it is claimed that gurus evoke fear in Indian men of losing their manhood and status in society (Bakshi, 2019; Cohen, 1995; Nanda, 1993). Chapter Four discussed how a few TG participants used the body as an identity marker to distinguish themselves from the hijras. Owing to their unoperated status, TGs like Preeti and Dolly felt a degree of uneasiness in engaging in hijras' rebellious acts, while their *gurus*, who were either 'born' or operated, did not shy away from them. As has also already been pointed out in Chapter Four, some operated hijras claimed to be 'born' and, by doing so, they attributed to themselves a measure of spiritual power and the status of an ascetic. Thus, for some TGs, their ties to a *gharana* served as anchors to an institution that had cultural and religious significance in India.

### *Community as a Tool to Fight Injustices*

Whereas some participants reached out to a community to seek refuge in it, others leveraged its strength in numbers to fight for their rightful place in society. The former generally believed in preserving their uniqueness by limiting their interactions with mainstream society, if not avoiding it altogether. The latter believed in maintaining ties with the mainstream and working with key institutions to bring about legislative and judicial reforms. Various authors argue that community does not merely act as a preserver of unanimous interest but as an expression of internally differentiated opinions, interests and politics (see, for example, Brubaker and Cooper, 2000; Delanty, 2003; Ghaziani, 2011). In this regard, Daniel (Gay, 29), a Delhi-based lawyer, stated that his participation in the affairs of what he regarded as his community involved engaging in public life through protests, pride marches and theatre. For him, community indicated a collection of individuals who sought to transform society by claiming a political space. He stated:

> I think we kind of misuse the term community…you know…a bit…in that there isn't a single community. I think there are multiple communities, and some people don't even want to identify with the community…it is very heterogeneous that way. So now… what does it mean? What does it mean to me? Let's see. So, when I think of community, I have a slightly limited view of it. I largely think of people who are very much already in the public sphere. So, you know people who come to pride marches, people who come for protests, the people who kind of speak up, alright. But obviously 'community' can also be used for people whom you identify with. So, when I am talking in advocacy terms, I think of it as the former but generally when I think of community I am thinking in terms of the latter.

By community Daniel does not only think of people who are in direct contact; instead, in his opinion, community goes beyond ascriptions to a particular identity category and affords a political space for its members. This idea of community undercuts its presupposition as a homogeneous group whose primary function is to offer retreat from the state's excesses, locating it in the domain of 'civic engagement expressed through protests' (Delanty, 2003, p.86). Daniel envisions a community that not only forges *communitas* by affirming people's marginalisation but seeks actively to transform it. Another participant, Kaveri (TG, 22) stated that her marginalised status as a TG and the social stigma she faced as a result of it do not motivate her to detach herself from society and seek total refuge in a community. She did not think of community life as being completely disjointed from society, but as a tool to fight back the social machinery that oppressed people like her. She stated:

All LGBT people are rejected by society… we all face discrimination… that's why we are a community. We cannot survive in society if we don't support each other. It takes five fingers to make a hand. When the fingers come together, it forms a fist and with that fist you can punch people. That's why I think that if we all support each other we will have the power to fight social evils. A finger alone cannot fight.

In a similar way, the two social workers at Nazariya, Pallavi (Queer, 36) and Shreya (Queer, 23) argued that a community conceived on the basis of gender or sexuality-based marginalities alone fails to recognise how people's vulnerabilities are exacerbated due to class-based marginalities. They argued that differences in antecedent conditions such as region, class and caste, leads people to experience community life differently. Furthermore, being part of a community does not mean that all members will occupy the same space or have similar values and sensibilities. As Ghaziani (2014) notes, a community that is conscious of members' disparate backgrounds disrupts homogeneity and is generally marked by more flexible socio-political frontiers than those predicated on a largely unnegotiable identity. Such a community is not merely aware of the differences between an insider and outsider but also between insiders. Shreya and Pallavi discussed the ways in which isolated and scattered movements involving caste, gender and sexuality marginalities might come together, against the backdrop of rights and practices of land, household, livelihood, affect, love and sex. To play a part in consolidating these movements, Naziriya often organises rallies in college campuses with the aim of publicly denouncing the intersections of various forces of oppression – caste, patriarchy, neoliberal market forces and Brahmanical orders. In recent years, rather than working in isolation, marginalised identities in India – such as queers, women and Dalits, have extensively engaged with each other as strategic allies in an intersectional movement (Narrain, 2014).

At Nazariya, we are very mindful of the intersections of caste, class, religion, language. We address them by accepting the privileges that come with each identity and talking about the disadvantages that come from certain others. So, the fact is that I come from an upper-middle-class background. I am educated. I had the privilege of studying in Delhi. I am tribal woman…but I am rich…I mean I have rich parents. Those are my privileges. However, I am a queer woman, from which my marginalisation derives. The realisation that we are not completely empowered or completely disempowered is a powerful one…we all have privileges and, you know, difficulties in life. [Pallavi]

Pallavi's quote points to the untenability of a neatly defined community, predicated on an overarching gender/sexuality-based marginalisation, that regards everybody as equally abstracted from class-, caste- and region-based inequalities. As Jackson and Scott (2010) note, 'subjective lives' cannot be wholly defined by one particular form of marginalisation – 'there are many aspects of the self that are not reducible to any identity or to the sum total of our

identities' (Jackson and Scott, 2010a, p.122). Similarly, Calhoun (1994) notes that there is no simple sameness, untouched by difference that can be neatly tied into a community. Pallavi recognises that although community members are tied together by their marginalisation, there are differences in the ways they experience it, with different resources and routes to its management. For example, people who come from a middle-class, upper caste, English speaking background with access to education likely experience queerness differently from someone without any or all of those privileges. Her own privileges of being upper-middle-class, English speaking, and educated, she argues, prevented her from speaking on behalf of someone 'who has had different experiences of being queer, someone who has had a much harder time at it'. Therefore, forging a unified voice or purporting to speak for everybody in the community would mean simultaneously overlooking someone's privilege and another's disadvantage.

Much of the literature on LGBT activism emphasises the role of community activists in advocating for the human rights and social causes of LGBT people (see, for example, Paternotte and Tremblay, 2015). Relatively less attention has been paid, however, to the role played by members of the advantaged groups in backing the community's efforts towards gaining equality and justice. Some authors argue that LGBT allies play an important role in activism by supporting community activists and adding to their voices (Gewanter, 1991; Grzanka et al., 2015; Jones et al., 2014). In my study, a few participants commented on the emotional and financial succor rendered to their community by both big (corporations) and small (individuals who are more generally interested in the LGBT community) players (see, for example, Stevens, 2004 and Zhou, 2017). Sundar (MSM/TG, 24) and Tuli (TG, 24), for example, underscored the importance of building relationships with allies in order to sustain and strengthen their movement. They noted:

> People from the LGBT community come together for Hijra Hubba[78]. And not just them…our straight allies stand next to us in these events. Many police officers come to Hijra Hubba. Legal advisors...lawyers from the High Court and Supreme Court came to the event. We discuss about our rights, the NALSA judgement and the Transgender Bill. [Sundar]

[78] Hijra Hubba is an annual event conducted by HIV Alliance since 2012. The aim of the event is to promote 'visibility, solidarity and advocacy for the rights of the transgender and hijra community'. (HIV Alliance, 2021).

Oh! I enjoyed it [‘hug parade’ held in her hometown] so much. For the first time so many allies hugged me. We carried placards with slogans such as ‘support the LGBT community’. We were asking people…will you support us? We asked… I may not know you, you may not know me, we may not know each other, but can we still support one another. Can we hug each other? I may be HIV positive, you may not be HIV positive and yet can we hug each other, can’t we? [Tuli]

Sundar and Tuli’s quotes account for the role played by ‘munificent allies’ (Goodwin et al., 2000). in the LGBT movement. For them, community includes people who are not directly involved in the movement but who are intrinsically embedded in it through their personal, emotional and/or financial investments in it – i.e. allies. This is significant because although participants understood that rendering support to a community was not the same as being part of it, their sense of (communal) attachments towards LGBT allies, to some extent, narrows down the possibility of constructing a clear-cut demarcation between insiders and outsider.

In this section, I examined the different scales of belonging research participants expressed towards what they saw as their community: some of them benefited from their community while navigating complex social situations, some others considered themselves outsiders and wished to remain as such, unbeholden to the powers that be, and some used it as a tool to fight social injustices. Such differences in participants’ communal attachments indicate that the idea of community serves different purposes in their lives and that its existence, or lack thereof, does not mean the same thing for them.

**Conclusion**

Motivated by the ways in which research participants invoked and engaged with the idea of ‘community’ as they described their social lives, this chapter has explored participants’ relationship with their community – whom they included or excluded and in what contexts as well as the subjective worth apportioned to it.

Ghaziani (2014) discusses the impact of the various socio-economic, medical and legal changes on the external and internal boundaries of the LGBTQ+ community in the West. The impact of such changes in India has resulted in the reconfiguration of participants’ in and out-group boundaries and their relationship with the broader citizenry. In light of these complexities, this chapter has not attempted to offer a clear definition of community or chart clear boundaries betwixt gender and sexual minorities. Instead, it has engaged with a range of complex and nuanced ways in which ‘community’ was ideated and experienced by research participants.

Based on the ways in which participants discussed ‘community’, this chapter has argued the following: There were multiple real and imagined communities within which participants situated themselves. Lying at the heart of participants’ description of their ‘community’ was an ambivalence regarding its entry rules and composition (Delanty, 2003, p.4). Some gender nonconforming people tended not to commit to a single community and preferred traversing across multiple communal lines. While it was clear that a shared gender identity and/or sexuality were the primary basis for community formation, less obvious factors, such as social class, epidemiological and occupational differences played an important role in both conferring and fracturing communal ties. Some participants did not think of themselves as part of any community either because the spaces that they occupied eluded legibility, or they did not feel connected to a community.

The discussion in this chapter leads into the next chapter which explores how gender nonconforming peoples’ attachment to their idea of community influences their reaction to the recent legal reforms as well as their social and personal aspirations.

## Chapter Six: Conceptions of Justice and Social Change

### Introduction

Increasingly, the bulk of trans-activism in India is being channelled through rights-seeking projects, founded on legislative and judicial pillars, that seek to transform trans-life through the transformation of laws and policies (see, for example, Dutta, 2014; Saria, 2019; Sircar, 2017; 2021). The Supreme Court in April 2014 passed the landmark NALSA judgement that gave transgender people the legal status of 'third gender', ratified their constitutional rights and granted them quotas in jobs and education. Later that year, a private member's bill advocating 'Trans-Rights' was introduced in the Parliament by MP Tiruchi Siva. After several rounds of revisions, in 2019 the bill finally passed through both houses of the parliament and became The Transgender Persons (Protection of Rights) Act. Despite such policy changes, a significant portion of the sample reported little to no improvement in their lives at the time of the interviews. As Dolly (Gay/TG, 32) noted:

> The government has given us the third gender status. But people look at us with *buri nazar* [stigmatising gaze]. Just saying that the third gender can now go to college or work is not enough! […] It isn't easy for me to go to school and no company would want to hire me. As of now, the legal category of third gender hasn't really done much for us, let's see what happens in the future.

In some ways, as one might anticipate, the increased legal protection has reinforced participants' expectations from the state. Yet, the analysis of their accounts suggests that society and governmental bodies are not commensurate with the recommendations contained in the NALSA judgement, leaving the majority of the participants disaffected with the legal system. As Sircar (2011) argues, when the passage of law(s) becomes the telos of activism, as can be seen in the case of LGBT in India, more and more people experience a gap between their expectations from the law and their experiences on the ground. The majority of gender nonconforming people in this research discussed this gap in terms of their experiences with bureaucracy, educational institutions, avenues of employment and society at large. The gaze that Dolly perceives as *'buri nazar'* and the restriction she continues to face in accessing educational and employment benefits, are testaments to that gap. Like many other participants, despite her present dissatisfaction with the reforms, she holds out hope that there may be a time in the future when the 'third gender' can make full use of the opportunities given to them by the state.

Drawing on analysis of the interview data, this chapter seeks to examine: What do the current legal reforms say about transgender rights? What are their perceived deficiencies? To what extent do participants see these reforms as improving their social circumstances? What are participants' ideas about social change? The chapter argues that the passage of the recent reforms i.e. the NALSA judgement and the Transgender Persons (Protection of Rights) Bill (henceforth TPB or the Bill), has not necessarily resulted in an improvement in the social circumstances of gender nonconforming people or even elicited a change in people's perception of them. This chapter does not have the scope to consider the legal coordinates of the reforms; its focus, rather, is on interviewees' reflections on both the potential and limitations of the current reforms as experienced in their everyday lives and within their broader socio-political demands[79]. Motivated by participants' varied reflections on the law, this chapter examines the complex dynamics between the rise of legal activism and the problems around the delivery of justice on the ground to gender nonconforming people. While participants' early responses to the legal reforms hint at their scepticism about its effects, it might be worth considering the possibility that their perceptions might change over a longer period of time. Nevertheless, these reactions reflect participants' attachments to particular identity categories (MSM/Gay, TG, hijra) and the extent to which they moved between these categories and for what reasons.

It is divided into two sections. The first section focusses on participants' views on the recent legal reforms and their ongoing impact on recognition, employment and their relationship with fellow 'community' members. It explores the different ways in which interviewees have reacted to these reforms (with hope, disappointment, apprehension or neutrality) and how their varied reactions link back to their identities (Chapter Four) and boundary relations with other gender and sexual minorities (Chapter Five). Furthermore, the section discusses how the legal introduction of the 'third gender' category can, in many cases, discourage people from using a variety of labels for identification, and in turn, narrow down their social circle and sources of income. The second section considers participants' broader socio-political aspirations and demands, such as promoting access to education, employment, mental health awareness,

[79] For a detailed exposition of the legal process involved in the framing of the reforms refer to pages 15 through 23.

pension and housing schemes. It explores their views on how and to what extent contemporary policies address these demands. By looking at participants' reactions to the law and their broader socio-political demands in conjunction, this chapter highlights the need for including the voices of gender nonconforming people in future law making.

Before moving on to the analysis of the interview data, it is important to contextualise some aspects of the laws.

- The Rights of Transgender Persons Bill was introduced in the Parliament in 2014 and has since undergone several rounds of revisions. At the time of my fieldwork i.e. from August 2017 to March 2018, its social ramifications were largely undetermined on a nation-wide scale. This chapter therefore tries to capture a moment within a fast-changing legal context by looking at participants' emotions and reactions to the legal reforms. Between my fieldwork and the writing of this thesis, transgender people's criticisms of the reforms have come to the surface through petitions, rallies and media coverage, and over time, gained political traction, pushing law makers to open a dialogue with activists. While these are crucial developments in transgender rights discourses, accounting for or predicting their outcomes is beyond the scope of this research.

- The majority of participants, mainly due to their limited formal schooling, have come to know about the legal reforms not from legal advisories or writs but through anecdotal accounts, word of mouth, WhatsApp messages, rumours and informal discussions at the CBO. Therefore, they discussed these reforms not so much from a judicial standpoint as much as from their everyday experiences, interpretation and encounters with social institutions in the post-NALSA era and their speculations on how the reforms might impact their lives in the future. Moreover, it was evident during the interviews that the passage, amendment and readjustment of the reforms were not in keeping with the pace at which they were being communicated to the 'third gender'. As may be expected from policies that are new and subjected to beneficiaries' interpretation and experiences, the recent reforms have elicited mixed reactions from gender nonconforming people (Sircar, 2017; 2021). In this study, the participants' stances on the reforms were oftentimes critical and sometimes neutral.

- The majority of the participants did not make any distinctions between the NALSA judgement and the TPB and often used them interchangeably. Thus, for the most part, the usage of the term 'NALSA' may be in a loose and/or colloquial sense in this chapter.

## Gender Nonconforming People's Everyday Experiences with and Interpretation of the Law

The NALSA verdict was an attempt made by the state to create a charter of rights and amend the historical structures built to oppress, mute and invisibilise identities and rights of gender nonconforming people. It was a vindication of a decade-long movement, forcing the state to recognise and uphold the rights of the 'third gender'. The Supreme Court bench noted that the unfairness with which gender nonconforming people have been treated must be corrected through legislative and judicial changes (Mudraboyina et al, 2019). With that in mind, the TPB was introduced in the parliament in 2014 with the objective to 'undo centuries of discrimination' faced by transgender people through 'targeted interventions by the State' (TPB, 2014)[80].

Despite such promises of emancipation, interviewees' accounts suggest that their experiences with the reforms have fallen short of their expectations. This section investigates the complications encountered in registering as a 'third gender' person and availing welfare schemes as one, and how together they might explain both why progress appears to have been somewhat anaemic and why the fruits of the reforms, as various writers have argued, have been unequally shared among gender nonconforming people (Dutta, 2014; Saria, 2019; Sircar, 2017, 2021).

### *Recognising and Registering the 'Third Gender'*

The majority of participants considered registration their personal as well as political priority; however, due to complications in the process, they had not been able to move forward with it. Several did not have any official documents confirming their legal status and identification as either male or female on paper. The analysis of their accounts points to the following hinderances to the registration process: bureaucratic issues, mainly concerning the uneven application of the 'third gender' category across identity documents, personal constraints, over-

[80] Statement issued by Tiruchi Siva, contained in the TPB (2014).

medicalisation of the category, and institutional corruption. Out of these factors, participants' fraught encounters with the bureaucracy as well as their anxieties over the medicalisation of their bodies appeared to be more prominent themes in the interviews than personal constraints and institutional corruption.

***Bureaucratic Issues***

Participants' concerns over the complex bureaucratic procedures involved in registering as a 'third gender' person emerged as a recurring theme in the interviews. At the time of the fieldwork, only the Aadhar Card[81] and the Voter ID card offered the 'third gender' category. The Permanent Account Number (PAN), used for a range of fiscal processes, such as opening bank accounts, money transfers, and tax filing, did not offer the new category. The majority of the participants talked about the difficulties they faced as a result of incorrect and/or inconsistent gender identification across official documents. Crucially, none of them were sure as to when the government might introduce the 'third gender' category in a consistent manner across all official documents, including the PAN[82]. As John (Gay/TG, 35) noted:

> You have given me the title of the third gender…but have you given me my basic rights? I can't open a bank account unless I am able to produce a PAN card. The PAN card doesn't have a 'third gender' option yet – you can choose between either male or female. I may have all my identity cards in order…Aadhar card, voter ID, but unless I have my PAN card, I can't open a bank account […] Now, what will they [the government] say? They will say, 'Transgenders don't exist. We gave them recognition…but it seems that they don't exist'.

Owing to such inconsistencies, a few participants believed that the NALSA judgement was only a 'partial recognition' of their identity. As Rani (TG, 29) noted:

> Why do you think we still haven't made any progress…why do you think we are being denied of our rights? Because we are an insignificant minority whose rights don't matter. We are citizens of India who are eligible to vote but can't open a bank account.

Rani's quote refers to the oft-invoked claim that gender nonconforming people constitute 'a miniscule fraction of the country's population' (see, for example, Jain, 2017; Shah, 2015; Sheikh, 2013; Ung Loh, 2018). This claim has its roots in the Supreme Court's 2013 verdict in which it upheld the constitutionality of Section 377, overturning the Delhi High Court's 2009

[81] The national identity card of India introduced in 2010.
[82] In March 2018, after the completion of my fieldwork, the legal category was finally introduced in the PAN card.

judgement on the matter. The Supreme Court argued that the Delhi High Court 'in its anxiety to protect the so-called rights of LGBT persons' had unadvisedly and somewhat 'erroneously' relied upon international precedents to confer rights to an extremely small fraction of the country's population (India Legal, 2021). Since then, a section of legal benches has attempted to substantiate this claim by pointing out that despite being given the legal status of the 'third gender', not enough people have claimed it (Dhall and Boyce, 2015; Naik, 2017; Shah, 2015). In some cases, they have advised that more resources be directed towards 'correcting' the 'miniscule minority' to be in line with the majority rather than giving them equal status despite their differences. A few participants responded to this claim by saying that policy makers were 'wilfully ignorant' of how 'the country ran' and how that made it difficult for people with limited means to successfully claim welfare benefits. Wadia (Kinnar/TG, 40), for instance, maintained that the registration process for her had been both 'unnecessarily time consuming' and 'frustrating' due to the 'self-contractions' and clerical inexactitudes in the paperwork for the legal status.

***The Medicalisation of the 'Third Gender' Category***

The TPB necessitates physical testing and psychological screenings of gender nonconforming people to determine their gender identity. As part of the registration process, gender nonconforming people are required to appear before a district committee and produce a list of paperwork (including psychiatric evaluations) to prove their 'authenticity' (Dutta, 2014). Quite a number of participants cited this step as a significant barrier to the application process. The medicalisation of the 'third gender' category can be seen in other South East Asian countries where the legal category was instituted in the last decade or so. For instance, Aziz and Azhar's (2019) findings suggest that despite legal recognition, the majority of Bangladesh's gender nonconforming people were not officially registered as the 'third gender' in government documents. The reason for this was made evident when their Ministry of Social Welfare rejected the applications of numerous hijra and TG candidates for a banking scheme after a round of medical examination. The rejections took place on the basis that the ministry had deemed candidates with male genitals to be 'male' or 'hijra impersonators' (Hossain 2017)[83]. This indicates that anatomy and psychology continue to be privileged as category markers over self-determinism in South Asian politics and jurisprudence. Aziz and Azhar's (2019) analysis

[83] See page 28 of the thesis.

suggests that many gender nonconforming people in Bangladesh feel that the legal status is a hostage to medical markers.

As discussed in Chapter Four, the majority of the participants did not see the body as the sole determiner of one's gender, and thus reacted negatively to the Bill's push for an anatomical/ psychological model for gender identification. They argued that not only was this model unfounded but also dangerous as it cast confusion in people's minds about their gender identity, particularly in those who had not yet 'discovered themselves'. In this regard, John (Gay/TG, 35), noted:

> These confusing documents have made me question my own identity and made me think that maybe I was wrong to think of myself as the third gender…I used to spend so much time thinking these things. So, I decided to speak to a psychiatrist at a government hospital about my issues. I am currently undergoing psychological assessment to determine whether or not I am the third gender.

John feels the Supreme Court's reliance on biological markers as yardsticks to determine one's gender identity effectively precludes people from determining their own gender. At the time of my fieldwork, he was undergoing medical evaluations to 'prove' his gender identity to the district screening committee. The constant psychological and medical evaluations made him question his own sense of self and diminished his confidence in calling himself the 'third gender'. Likewise, Baby (TG, 23) noted:

> We are facing a lot of obstacles in getting our ID Cards in order. I don't think I should have to grow my hair or look a certain way to be categorised as the third gender. My identity does not depend on my hairstyle. All transgenders don't want to look the same …just like all girls don't aspire to the same standard of beauty. It is up to me to decide whether I want to wear a hairband like a man or a wig like a woman. The authorities don't believe I am a transgender because I look masculine. One day if I start looking more feminine, they will believe me. Why is that?

Baby's argument, 'my identity does not depend on my hairstyle' makes the larger point that the 'third gender' category constitutes a diverse group of people and that not everyone falling under this category aspire to the same aesthetics. Like most other outreach workers, Baby goes back and forth between what she calls 'male' and 'female' looks; on a regular workday, she pulls her hair back 'like a man' but on special occasions she wears *'salwar kamiz'* and dons a wig 'like a woman'. The above quote therefore points to the contrast between how the state is trying to conceptualise gender through a homogenising category and how participants make meanings and perform their gender. Importantly, it appears that the implementation of the legal

category has brought into the fold people that look and act a certain way, and more curiously, as I go on to discuss in the later sections, aspire to the same things in life and, in doing so, has excluded, to various degrees, all others who do not meet these criteria.

***Institutional Corruption***

A study conducted by Transparency International[84] in 2017 showed that about 50% of Indians had first-hand experience of paying bribes or using contacts to avail goods and services. A few participants in this study stated that they had to ingratiate themselves with a range of officials from various bureaucratic levels and offer bribes in order to obtain identity documents and avail welfare provisions. Some others reportedly used the services of external agents and middlemen to 'get their job done' (Wadia, Kinnar/TG, 40). While paying bribes at government offices may be par for the course in India, for economically disadvantaged groups such as the hijras[85] and sex workers, this may lead to superfluous expenditure that needs accounting for well in advance. Nisha (MSM/TG, 24) and Precious's (Hijra, 45) quotes testify to participants' reliance on agents and middlemen for obtaining identity documents and availing services:

> See, if hijras and TGs want to change their identity to third gender, they can get it done by paying some bribe to government officials. They don't need us [the CBO] to do it for them; they are competent enough to handle it on their own. But, if someone feels overwhelmed with these things, we are here to help in whatever way possible. [Nisha]

> Has the CBO ever helped anyone with their ID cards? Listen, I have all ID cards – Aadhar card, voter ID card…I have everything…and I got all this done by finding an agent and paying him some money. I couldn't have relied on the CBO to help me with these things…even though they should have. [Precious]

My analysis suggests that the dissonance between Basera's intended role and its visitors' expectations from it is often a source of contention between outreach workers and their clients. Nisha (an outreach worker) felt that it is the individual's responsibility to take initiative and apply for the new identity documents, but equally, she thought that the CBO had a moral obligation towards its clients and should, therefore, help them with the application process in whatever ways it could. Precious (a client), on the other hand, expected direct help from

[84] Transparency International is an independent, non-governmental, not-for-profit organisation whose mission is to stop corruption and promote transparency and accountability across all sectors of society.
[85] As detailed earlier, the financial assets of a *gharana* is communal and not for personal use.

outreach workers with applications but presumably never received it; this led her to use the services of external parties and middlemen for prompt and hassle-free delivery of services.

***Personal Constraints***

Some participants suggested that pre-existing vulnerabilities such as low literacy, lack of social awareness and familial pressures limit gender nonconforming people's social capital and means to claim the legal status. A few argued that the legal reforms disregard swathes of individuals who suffer from such vulnerabilities. Many hijras and TGs in this research had not revealed their gender identity to their intimate circle of family and friends – from which the larger problem of invisibilisation is derived (see Chakrapani et al., 2007). Even within familial relations, they faced a lack of support, with implications for how they were viewed more widely. Families of some of the participants, who might normally be a source of support, had alienated them when their 'true identities' were revealed.

Kaveri maintained that some people do not like to associate with gender-indicating terms, including the legal category of 'third gender' due to past exposure to stigmatising labels such as hijra, *chhakka* etc. She noted:

> They [TGs and hijras] don't want to come out. Because they grew up thinking that their identity is a *dhabba* [stain] on their *izzat* [honour]. Words like hijra and *chhhakka* are often used as *galis* [abusive language] and nobody wants to associate with these words…so, they remain closeted. [Kaveri, TG, 22]

Priya (TG, 23) addressed some other forms of personal constraints that hinder the registration process, such as lack of education, time, and money to sort out official documents. Pointing to the symbolic power of legal documents, Priya discussed how the possession of correct paperwork established her as a bona fide candidate at the time of college admission. She stated:

> I got all my documents ready before applying to colleges. Most transgenders, however, are not able to do so and are unable to produce them when asked by authorities. What are we supposed to do? Spend our entire lives sorting out paperwork? Look, transgenders already have enough on their plate. Imagine having to sort out documents on top of that. This is exactly why some of my friends are not able to register or claim benefits.

Identity documents can take on different symbolic and material realities for different people. For the 'third gender', the possession of appropriate paperwork is of paramount importance as these papers validate their existence in a world that tries to invisibilise them; and more practically, the papers endow them with educational provisions, employment benefits, housing

plans and access to various other welfare schemes. The various themes considered earlier explain how a complicated system has stymied the registration of resourceless applicants and put their lives on hold, as they encountered problems in opening bank accounts, pursuing higher education, and applying for jobs. Importantly, as some authors claim, the slow registration process has given policy makers plausible deniability, making it easier for them to say that transgenders 'do not exist' (see, for example, Azhar, 2019; Bhattacharya, 2019; Saria, 2019; Sircar, 2017).

### *Implementing the NALSA Judgement*

The legal recognition of the 'third gender' in 2014 was perceived as a welcome change in the lives of many gender nonconforming people as it promised them an official status. In doing so, however, it collapsed a range of gender nonconforming categories and placed them under the broad category of 'third gender' (Dutta, 22012, 2014; Saria, 2019). My own research, along with some other studies, have suggested that not all gender nonconforming people in India wish to identify as the 'third gender' or avail welfare benefits specific to the new legal status (Bajpai, 2018, Borah, 2018; Tellis, 2020). This section will discuss some of the problems encountered during the implementation of the NALSA judgement and TPB. These include a rise in tensions between community members, confusions about the overlap between gender- and caste-based affirmative actions and the problems stemming the reforms' overemphasis on mainstream work.

#### ***Tensions Between Gender and Sexual Minority Groups***

Authors like Dutta (2012, 2014) and Saria (2019) point to a growing rift between groups of people who were able to, in some measure, coexist and function as a unit before the 'third gender' category was demarcated as a pertinent group for affirmative action. This section will discuss the strain exerted by the recent reforms on transgender people's already fraught relations with the hijras and gays. The way in which the reforms were viewed by participants depended on whether they saw themselves as part of a community, whom they saw as a fellow community member, and the strength of these communal ties.

*Between TGs and Hijras*

In India, regional, cultural and linguistic factors have contributed to the myriad forms and expressions of gender nonconformance. Moreover, important distinctions exist between the social meanings ascribed to the various forms and expressions of gender (Towle and Morgan, 2006 in Aziz and Azhar, 2019). Haider and Bano (2002) provide fifteen categories of gender nonconforming identities in India based on embodiment, sartorial comportment, social identity, sexuality and degrees of masculinity and femininity, including *kothi, kinnar, hijras,* and TGs. As discussed in Chapter Four, these categories are oftentimes used strategically based on the context, audience and exigency.

All hijra plus a few TG participants in the sample stated that they were committed to their traditional practices and did not wish to join the 'mainstream' workforce. They placed a higher premium on their ceremonial performances and esoteric rituals than on formal education and jobs and therefore perceived the 'third gender' status as antithetical to their sensibilities. Some of this group saw it as an attack on the *guru-chela* or master-apprentice way of organising communal life (Azhar, 2019). A few participants also feared that the new legal category and its attendant rights might progressively drive younger hijras towards more mainstream work and leave elderly hijras *chela-less*. As Precious (Hijra, 45) noted:

> A woman without kids of her own is called a *banjh* [a childless woman]. Similarly, if a hijra doesn't have a chela, she will also be labelled as a *banjh*. What will people call her? They will call her *kismet ki maari* [ill-fated]…*chela-less*. She will have a lower status in the hijra *samajh* [society]. No one will respect her. Moreover, who is going to take care of her when she is old and can't go for *toli-badhai*? That's why I said that the Bill is not for us.

To this day, childless people in India face unwarranted stigma and negative stereotyping. As female fecundity is far more valued than male, it is perhaps not surprising that women are more likely to be at the receiving end of such stigma and shaming than men (Riessman, 2000; Rich et al., 2011). Precious compares stigma experienced by *chela-less* hijras to that experienced by childless women in India. Just as childless women find themselves at the receiving end of stigmatising labels such as 'ill fated' and 'inauspicious', so too *chela-less* hijras often fall victims to such labels and feel a sense of shame in navigating their social circles (Bose, 2020; Ghosh, 2016). Precious went on to argue that the recent push for individualism has exacerbated elderly hijras' sense of loneliness and precarity by depleting their income, savings and housing options.

John (Gay/TG, 35) made a similar point:

> When hijras started seeing transgenders on the streets they raised objections. They would say things like, 'Uh huh *beta* [child]! You are a hijra, right? Then why don't you join us?' So, what do TGs say in return? They say, 'The government has given me certain rights. I am a transgender and I am the third gender. Who the hell gave you the permission to talk to me like that?' [raises his voice] This is enough to get any hijra to stop talking. That's why I think that the law that was introduced to bring community members together is ending up dividing them.

The above quote speaks to the divisions and tensions between individuals bracketed together by the NALSA judgement and shows that not everyone in the bracket feels the same degree of attachment to the legal status. In the hypothetical exchange put together by John, a transgender claims that he is a 'third gender' with the aim of issuing a warning to a hijra who was trying to bully her. Thus, it appears that while it may be relatively straightforward for TGs to claim the legal status as well as leverage its higher social capital, hijras are not yet sure if they can or even want to make such claims. More to the point, it seems that not everyone in the community is aware of the fact that the legal status and its entitlements apply to hijras as much as they apply to TGs. In his study conducted in Odisha, Saria (2019) showed that the purported benefits of 'trans-rights' were unequal and equivocal among different gender nonconforming groups due to the vast range of professions they were engaged in; for instance, participants whose primary source of income derived from *toli* saw the ruling as an affront to their culture.

To sum, the lives and livelihoods of gender nonconforming people are more varied than perceived by the legal benches. This means that a catchall program that subsumes them under a single category is not only hard to implement but is also ethically problematic, as the push for a certain lifestyle can end up hurting those who do not subscribe to it (Saria, 2019). At the time of the interviews, several outreach workers in this study had recently been involved in some unpleasant exchanges with the hijras regarding the NALSA judgement. Despite their disagreement on this particular matter, outreach workers knew how much *gurus* relied on their *chelas* for their livelihoods and sympathised with their fear of abandonment. As discussed in Chapter Four and Five, the hijra-TG relationship is a complicated one, based on symbiosis, animosity and fuzziness of identity. Both hijras and TGs operate on a territorial basis and need each other's cooperation to carry out their work with ease, be it *toli-badhai* or outreach work. Therefore, participants' opinion on the legal status were not only based on how they felt about the status themselves, but also on how hijras reacted to it.

*Between Gender and Sexual Minorities*

The NALSA judgement was passed in the immediate aftermath of the reinstatement of Section 377 or what is popularly called India's 'anti-sodomy' law by the Supreme Court of India. Scholars such as Das (2015) and Kodiyath (2015) argue that the contradictory nature of the two judgements – one empowering gender minorities by giving them the legal status of the 'third gender' and another disempowering sexual minorities by resubjecting them to the 'anti-sodomy' law did not augur well for LGBT communal relations. Gay men, who were recovering from the attack on their sexuality, were further distanced by the state when, only a year later, transgenders were given a new legal status. Some participants in this study discussed how their relationship with gay men suffered following the passage of the legal reforms. As Rani (TG, 29) noted:

> In my view, Section 377 is everyone's fight. It is a gay person's fight, it is a hijra's fight and it is TG's fight. But TGs distance themselves from it, saying that 377 is not their problem. You see, the government is very shrewd…. it has created divisions in the community where there were none[86]. The judgement has led gays to think, 'They have given transgenders their rights and forgotten about ours'…which is why they have distanced themselves from us.

Rani went on to suggest that that her relationship with gay men had been progressively declining since the passage of the legal reforms and that she had sensed some adversarial undertones in her recent exchanges with them. This indicates that gay men may have further distanced themselves from transgenders after what they saw as an express declaration of trans-rights by the state just months after it denied gay people of their sexual rights[87].

The fluidity between gender and sexuality-based identities renders it hard to determine people's 'criminal' status as per Section 377. The law does not explicitly criminalise homosexuality but carnal acts 'against the order of nature' – this is taken to mean sex between same sex individuals by the law enforcement. In India, transgender people are called the *'Tritiya Prakriti'* or the 'third nature' i.e. neither male nor female. However, sexual acts between a transgender person and a male, or a female, or another trans-identifying person are, by extension, deemed against 'nature's order', and for all practical purposes, absorbed into the ambit of criminality. Participants' reacted in a number of ways to the reinstatement of Section 377 of the Indian

[86] At times participants drew boundaries with gays and at times they did not.
[87] As has been explained in the previous chapter, TG participants in this study thought that the power to make and unmake community boundaries did not lie with them but with gay men.

Penal Code. Their reactions to the state's targeting of sexual practices reveal the tensions in their formulations of the concepts of gender and sexuality and the relationship between the two (see pages 41-44). For most social situations, transgender participants' gender identity took precedence over their sexuality but while discussing Section 377, the majority of them saw their sexuality as an important component or a corollary to their gender identity.

Quite a few participants in this study believed Section 377 to apply to both gays and transgenders and that as long as it continued to plague their sexual rights, the mere passage of welfare provisions could not truly make a difference to their lives. The following quotes illustrate this point:

> The letter 'T' is also included in LGBT. 377 applies to me as much as it applies to gays. People have misinterpreted the NALSA judgement. They think that since they have the 'third gender' status, they feel that section 377 isn't applicable to them. [Seema, Hijra, 39]

> 377 is a fight that connects gays and transgender people. The NALSA judgement says transgender people can live with a partner of their choice…that they can get married….but Section 377 says they cannot have sex. I think 377 applies to transgenders as much as it applies to gays. The NALSA judgement is contradictory because on the one hand, you are giving transgender people the right to marry but on the other, you are not giving them the right to have sex. [Bonny, MSM/Gay, 31]

> 377 is my priority. It should be everybody's priority….lesbians, gays, TGs and bisexuals. What do they expect from us…kiss our partners and go home? Unfortunately, this isn't how things work! I need to have sex just like everybody else. You cannot talk about our rights if you call us criminal for having sex. [Dolly, Gay/TG, 32]

Although there are judicial guidelines affirming the social rights of the 'third gender', their sexual rights are mostly overlooked by the state. The criminality attached to 'unnatural sex' or 'anal sex' is the common theme that mobilises Seema (Hijra), Bonny (MSM/Gay) and Dolly (TG/Gay), to oppose against the archaic law. Regardless of their gender identity, all three of them felt that they could not become equal citizens of the country as long as their sexual acts were deemed 'unnatural', and therefore, 'criminal'.

A large number of participants discussed the NALSA judgement and the TPB in conjunction and touched upon their contradictory tendencies. One participant, Prachi (Hijra, 40), however, considered the two judgements 'unrelated' and claimed that their juxtaposition may be counterintuitive and a distraction from the 'real issues' plaguing community members. She said:

> Transgenders have been a backward class in society, they have no respect, nobody gives them jobs, …no this…no that…instead of addressing these basic things, activists are diverting people's attention by talking about gay rights […] Let me ask you this… What was NALSA judgement about? Which community did it concern? The transgenders, right? If you want to talk about gay rights, also an important issue by the way, do it in a separate Bill. Transgender and gays have different needs and wants and…in my opinion, a single law or a Bill cannot tackle both.

Prachi stresses on the fact that the NALSA judgement is an important milestone for the rights of gender nonconforming people and that any discussion on gay rights, at a time when the rights of a severely disenfranchised group are in focus, is a 'diversion' from the 'main issue'. She maintains that while gay rights are as important as trans rights, juxtaposing the two categories of rights may lead to a dilution of the issues of both groups. She argues in favour of separate Bills for gays and transgenders, so that the needs of both categories are addressed in full. The notion that the different letters of the acronym have different needs which cannot be met through a single paradigm, goes back to the boundaries between gender nonconforming people and gays discussed in the previous chapter.

To conclude, the NALSA judgement was passed at a time when gays and MSM had recently lost their battle against Section 377. Some activists deemed the moment unpropitious for the passage of trans-rights given that the court had taken a regressive stance on gay rights in the recent past (Das, 2015; Kodiyath, 2015). As Jasbir Puar (1998, p. 414) writes, 'one must interrogate not only how the nation disallows certain queers but perhaps more urgently, how nations produce and may in fact sanction certain queer subjectivities over others'. In this case, it appears that the judiciary deemed gender nonconforming groups to be endemic to India 'at the cost of excluding those who identified themselves only by their sexual orientations – gays, bisexuals and lesbians' (Das, 2015).

### ***Problems Associated with the Intersection of Gender and Caste***

The NALSA judgement classified the 'third gender' as 'Other Backward Class' (OBC) (see page 23) and gave them access to affirmative action and protective arrangements reserved for OBCs. The court outlined measures for promoting equality by a) deeming discriminatory and stigmatising behaviours to be unlawful, b) offering reserved posts in jobs and education to the 'third gender' (Aziz and Azhar, 2019). Although the intersection of gender and class was not a prominent theme in the interviews, it merits a discussion in this section as it offers insights into

how the current guidelines put transgender people, who were also members of Scheduled Castes/Scheduled Tribes (see page 23), at a disadvantage.

As the following quotes illustrate, participants generally held positive views on affirmative action:

> So, I think one aspect of this [the NALSA judgement] is protection of transgender people against stigma and discrimination. In this regard, stricter laws will prevent people from making fun of transgender people or…shaming them. The other one is about equal opportunities and reservations in education and employment. For this, the government needs to create opportunities for transgender people…young transgender people…who are aspiring to be good and do good. Inclusion is so important. I think in every company 2% - 5% of posts must be reserved for transgender. [Arya, Hijra, 40]

> Just like OBCs in India have quotas in jobs and education, I would like to see that for us too. They should give us quotas from primary school onwards so that no trans kid drops out of school. I know there are reservations for transgender people in Delhi University, but I would like to see that everywhere…even in remote places….so that TGs are able to flourish everywhere and not just in places like Delhi and Mumbai. If everything goes according to the government's plan, I think it will do us some good. [Bella, Kinnar, 35]

Arya and Bella believe that if affirmative action pans out according to the state's guidelines, it will bring about positive outcomes for gender nonconforming people in multiple ways – promote formal education among hijras and TGs, offer jobs to them and possibly uplift them from a state of precarity and poverty. Arya would like companies to be more inclusive in their intake of employees, with 2-5% reserved for transgenders. In a similar way, Bella states that reserved positions for transgenders in educational institutions should not be limited to prominent universities like Delhi University but also extend to institutions in remote areas so that transgenders are able to 'flourish' everywhere and not just in urban areas.

The nexus between caste and gender-based discrimination produces a doubly discriminated category that constitutes 'third gender' people from SC/ST backgrounds. Most participants saw affirmative action as a positive step in the direction of making education and mainstream employment more accessible to the 'third gender'. However, the way in which it was implemented, raised significant concerns among participants, especially those who had access to more extensive welfare provisions by dint of their caste-based marginalisation i.e. SC and ST candidates[88] (Dutta, 2014). They feared that such individuals, rather than gaining new

[88] As discussed in Chapter One, affirmative action is typically more extensive for STs and SCs than OBCs.

benefits because of being 'third gender', would lose out on the ones linked to their SC/ST status. This means that the state would now have to make arrangements so that 'third gender' candidates from SC/ST backgrounds are able to claim welfare benefits linked to their 'third gender' status without having to sign away benefits linked to their caste.

Prachi (Hijra, 40) discussed the problems posed by the current dispensation of affirmative action, noting that once the judgement was passed, neither the Supreme Court nor the government could provide a comprehensive roadmap for implementing it. In the following quote, she discusses the problems associated with implementing affirmative action in a country like India where there are intersecting disadvantages and, consequently, intersecting welfare provisions:

> It is such a contentious topic that no one wants to talk about it openly. The Supreme Court gave transgender the status of OBC. The government of India has been very *chalak* [clever] about it …the whole affirmative action thing is only a guise to make transgender people believe they have gained something in life. Look, transgender people coming from general[89] or OBC background are mostly fine but those who come from ST or SC backgrounds have a lot to lose from the passage of the Bill. Categorising all transgenders as OBCs puts SCs and STs in a disadvantageous position […] The government is only focussing on the reservation…what about respect, what about equality, what about jobs? All these things have gone for a toss. It has been 2-2.5 years and we are yet to see any positive outcome of the judgement.

Prachi calls the affirmative action programmes proposed by the Bill a 'guise' as it gives the purported beneficiaries an illusion of social gains, while putting a large section[90] of SC/ST candidates at a disadvantage. She stated that gender nonconforming people in India are a 'backward' community with regard to their representation in employment, education, and health care sectors and that the state can bring them to the forefront by considering them a standalone category for affirmative action rather than conflate them with caste-based minority groups.

### ***Emphasis on 'Mainstream' Work***

Interview questions pertaining to employment schemes proposed by the NALSA judgement and the TPB elicited mixed responses from participants. More than half of the sample had faith in the judgement and considered the promotion of 'mainstream work' as an important step in

[89] People from 'upper caste' backgrounds.
[90] According to the 2011 census, SC/ST people constitute about 25.2 percent of the country's population.

the direction of emancipation. Some participants felt that the proposed schemes were a little out of touch with their present realities but might still stand the future generations in good stead. Finally, a small portion of the sample, primarily comprising hijras, were against the promotion of 'mainstream work' in their community.

To begin, I will discuss the position of people who were in favour of the employment schemes proposed by the recent reforms. Both the judgement and the Bill stress the need to promote 'mainstream work' among the 'third gender'. On the one hand, the NALSA judgement, takes a more moderate position and adumbrates provisions for affirmative action in public appointments. The Bill, on the other hand, criminalises behaviours and practices that define and qualify hijras' religious significance by conflating them with the act of 'begging' (Saria, 2019). Such a formulation, Saria (2019, p.14) argues, can erase the 'distance and difference between the secular framing of begging and the religious economic exchange' that practices like *toli* entail.

More than half of the participants were not comfortable with the traditional practices of the hijras (see Chapter Four) and welcomed employment schemes proposed by the reforms. They felt that the entire cohort of 'third gender', regardless of age or sub-category, must slowly disengage from their traditional practices and join the workforce with an intention to integrate with mainstream society. As Cora (TG, 25) noted:

> I support the government's promotion of employment among the third gender. It would be great if all of us worked and lived like ordinary people. There is no joy in living alone...I would like to be around ordinary people…live an ordinary life and work.

She added:

> When I go to my hometown, people in my neighbourhood [in Delhi] miss me. They are worried about me all the time…and wonder where I am at and what I am doing. My philosophy is…just live your life and don't hurt anyone. I always try to be kind to people and I truly believe that if you are good to the world, the world would be good to you. I have never fought with anyone or spoken rudely to anyone my whole life.

Cora believes that the legal steps taken towards constituting the 'third gender' as 'ordinary citizens' are in the right direction. Rather than being linked to the hijra community, she wishes to be seen as a 'well-adjusted' and 'functioning' member of mainstream society. Importantly, she uses her own example to show that society rewards 'good behaviour' and that only by

acting kindly towards others can the 'third gender' seek admittance into 'ordinary' life. Thus, she places the onus of integration on TGs themselves and holds them accountable for their behaviour towards others.

Bella (Kinnar/Hijra, 35) made a similar point:

> Begging is the dirtiest way of making money. I am totally against it. People from our community need to get out of their comfort zone and make a living through hard work instead of making easy money by seeking charity from people. Society respects hijras only because ordinary folks are afraid of them and not because they think of them as one of their own people… they only respect them because they think that hijras have some supernatural power which they can use against them. You see, acceptance takes place only when people are able to relate to each other.

The above quote speaks to the popular belief that pegs hijras as community-bound people who do not like venturing outside their 'comfort zone' and take part in productive labour. Bella likens hijras' ceremonial collection of alms to 'begging' and considers it 'the dirtiest' way to make money. According to her, hijras have to stop relying on alms and be part of the mainstream workforce to be accepted and appreciated by members of society.

Some participants expressed support for a government initiative to limit how much hijras could charge for their ceremonial performance. These participants believed that if it one day materialised, this initiative might have a deterring effect on panhandling and encourage hijras to look for 'desk' jobs, including professions like teaching, outreach work, which were, as some of them stated, more 'respectable' than hijras' traditional work. As Rudy (Gay, 26) and Rani (TG, 29) noted:

> I have heard that the government is planning on standardising *toli* rates. I think it is a great idea. Especially given that hijras start displaying their antics anytime and anywhere. They have no respect for themselves or for others. Tell me something, why do they have to take their clothes off if someone refuses to pay them money, especially if they don't have it? I think that if the government puts a cap on *toli* rates, hijras will stop indulging in such behaviour and look for something better to do. [Rudy]

> If the government puts a cap on how much hijras can charge for their performances, people living in the *gharanas* would start looking for something better to do. I'm telling you, the day people from my community find out that people wouldn't pay them large sums of money, the very same day many of them would start searching for mainstream work. [Rani]

Despite the passage of emancipatory reforms, to this day, most educated MSM, hijras and TGs continue to work in the NGO sector. A few participants suggested that they feel pressure from society as well as their own community to work at an NGO and contribute towards the

wellbeing of their community members. A significant number of the outreach workers did not seem satisfied in their professional life because a) not all of them aspired to be in this profession, and b) most of them worked for minimum wage and often had to resort to prostitution to supplement their meagre income. As Nisha (MSM/TG, 24) noted:

> You may keep applying for jobs, but you can only find work in the NGO sector. Like the kind of work that we are doing. If you watch the news, you will know that recently a transwoman was denied employment at a reputed airline company, even though she had all the credentials….just because of her gender identity.

Nisha's quote points to the unjust standards that gender nonconforming people are subjected to in terms of what they can and cannot do with respect to paid labour. In her experience, people often expect educated TGs like her to reach out to their community, often on a full-time basis. Such expectations can have a deleterious effect on transgenders as they: a) undermine their preference or agency to choose a profession, b) pigeonhole their skills and training into inflexible categories, and c) reduce their access to more lucrative forms of employment. As Aziz and Azhar (2019, p. 16) argue, social inclusion in the workforce must go beyond 'simply offering a handful of jobs in select work settings such as the NGO'.

The majority of the participants commended the policies of non-discrimination and affirmative action contained in the NALSA judgement and expected them to bring about positive socio-economic changes in their community. However, only one person in the sample, Dalia[91] (Kinnar/TG, 26), had managed to secure an 'office job' outside the NGO sector since the passage of the NALSA verdict. Her account of the selection process alludes to the prevalence of negative stereotyping and systemic biases against the 'third gender' despite their formal recognition, which often leads to their suboptimal recruitment in public offices.

In the following quote, Dalia (Kinnar/TG, 26) explains why she, and not Priya (TG, 23), with whom she went for the job interview, was selected for the position. Dalia reported that the job advertisement did not clearly state the starting salary for the position but on the day of the interview the selection committee revealed that they could only offer a modest salary to the person selected for the position. Priya, who at the time was earning a higher salary than what was being offered for the new position, became 'visibly disappointed*'* with this offer and tried

[91] She had recently been hired by the Delhi High Court for a position that was created for the 'third gender'.

to negotiate her salary with the committee. Dalia admitted that by the time it was her turn to go for the interview, she had already had a chance speak with her peers and learn from their mistakes. She reported:

> The panel told me about the salary and that it could be a bit more than that or a bit less than that. I said I didn't care how much it was. I said no matter what the work was …big or small…whether the salary was high or low… I was going to work. They appreciated this sentiment very much and offered me the job right away. After that there were no more questions asked. You know ma'am, people think that transgender people are slackers. They just wanted to see who wanted to work and who didn't…who was after the money and who wasn't.

Once the hiring process was over, the committee revealed that the salary for the position was actually higher than they had previously announced and that they did not reveal this information initially in order to ensure that the person they hired was truly interested in the work and not just the pay. Dalia felt that the committee's approach was reasonable given that transgenders were 'known slackers' and her belief that 'a person who wants to work is only concerned about task at hand and not the pay'. A few other participants highlighted hijras' reputation of gravitating towards 'easy' ways of making money such as through begging and traditional performances and steering clear of 'productive' labour. The majority of participants, however, voiced that they had a very hard time establishing themselves as reliable employees due to society's misgivings about their work ethics. The incident cited in the quote therefore illustrates that despite affirmative action, 'third gender' candidates may be subjected to unrealistic terms and conditions during job interviews. Whereas it is common practice for applicants to negotiate their salary during recruitment, applicants from the 'third gender' category may have to prove their worth not only through their passion for the work but also by expressing disinterest in the remuneration.

Finally, there was a small portion of the sample who saw employment schemes as a threat to hijras' traditional practices. In recent years, the state has taken measures to 'responsibilise' the hijras i.e. turn them into 'responsible' citizens using neoliberal rhetorics of productive work and individualism, through both disciplinary and (ostensibly) rehabilitative directives (Saria, 2019). Richardson (2005) discusses the surge in the politics of normalisation in the wake of neoliberalism – which seeks to constitute lesbians and gay men as 'ordinary normal citizens' rather than attempting to bring about changes in the institutions that deem categories of behaviour, identity and ways of being 'unnatural'. Such a tendency, she writes, seeks to buttress

'the regulatory power of the state by reinforcing the authority of the institutions which confer rights and responsibilities (to its citizens) and through which sexualities are regulated' (Richardson, 2005, p.532). In the case of gender nonconforming people, the state has in fact made efforts to bring about structural changes in the form of affirmative action, creating new avenues for them to find mainstream employment (at least on paper). Less reassuringly, however, in its bid to steer them towards mainstream life, the state has taken some drastic measures, including absorbing them into a single legal category, criminalising their traditional practices, and medicalising their bodies.

A few interviewees reported facing difficulties in collecting alms from families and businesses following the passage of the NALSA judgement and argued that they had a more sustainable livelihood in the past when society placed a higher value on their spirituality. This can be illustrated by Sadia (TG, 20) and Wadia's (Kinnar/TG, 40) quotes:

> Nothing good has come out of the Bill. Rather, it has negatively impacted our work. It is only for the educated people…what will uneducated people do? Not everyone is educated, some people are uneducated, right? When we go out asking for money…they tell us, 'well now you have got the third gender status…why don't you work'? But where can we work? Who will give us work? [Sadia]

> We have suffered losses rather gaining from the Bill. It has affected our *rozi-roti* (daily income). They said you can't go for *badhai*…you can't go for *toli.* Now if they are stopping *toli-badhai*, they should at least give us some viable alternatives. If there are 500 people only 10 will get jobs...what's the point of 10 people getting jobs and becoming the poster boys for liberation? What would the remaining 490 do? I don't know anyone from our circle who has got a job. [Wadia]

Despite the passage of affirmative policies and laws, the majority of participants in this study continued to experience difficulties in being recognised, finding gainful employment and living an improved civic life. They reacted in different ways to the recent legal reforms and their responses ranged from praising the reforms to feeling uncomfortable with some of their aspects to straight up denouncing them. Participants' understanding of the law and their emotions attached to it are indicative of the unique position they were situated in and the different vulnerabilities they were subjected to. For instance, TG participants with medium to high levels of education were generally in favour of the employment, educational, categorisational policies contained in the NALSA verdict but were critical of the implementation style. Hijra participants or participants with ties to a *gharana* were largely disapproving of the law's interference with their culture. Participants' diverse reactions to the laws suggest that not all 'third genders' want the same things, and therefore, their needs cannot be met through a single

narrative or scheme. Having established the ways in which participants differed in their interpretation of the law, in the following section I will look at their diverse aspirations in the areas of education, housing, pension, employment and mental health and to what extent the reforms met their aspirations.

## Participants' Broader Social Demands

Chakrapani et al. (2007) have explored the varied discriminatory practices against gender variant people in India within a variety of institutional settings, including law enforcement, healthcare services, as well as within their families, and also, the broader community of which they are a part. Popay et al. (2010) noted that discrimination results from unequal power relationships across the dimensions of culture, economics, and politics. Discrimination can prevent people from fully engaging in a range of social relationships as well as lead to a lack of participation in cultural and political spaces (Levitas et al., 2007). Moreover, it has been linked to poverty (Sen 2000), poor mental and physical health, reduced access to health and education, and lack of political participation (Popay et al., 2010). As discussed earlier, despite being given legal protection from systemic discrimination, transgender people continue to face social discrimination, which stops them from accessing welfare benefits guaranteed to them by the state. This section will look at participants' broader demands in the field of formal and vocational education, employment, pension and housing, and mental health awareness. Moreover, it will explore the various discriminatory practices participants experience while trying to claim access to health and welfare benefits and examine the degree to which they see the reforms as satisfying their demands.

### *Promoting Education*

The promotion of education (both formal and vocational) among gender nonconforming people emerged as a significant theme in more than half of the interviews. A few participants discussed the necessary groundwork needed for promoting education in their community, such as finding an empathetic teacher, encouraging gender nonconforming students to come forward and engage with their peers and forging an enabling environment at schools. As Rahul (Gay/MSM, 24) stated:

> Nothing can be achieved in life unless you are educated…unless you study and learn something. But who would want to teach a transgender child? Nobody. Teachers have to understand our feelings…and

for that, they need appropriate training. They should know how to behave with transgender children, how to teach them, and how to deal with their problems. Without proper groundwork, transgender students will continue to face resentment from their teachers and classmates.

As part of their larger 2007 study, Chakrapani et al. discussed how institutional inequities lead to transgender people's reduced participation in education. Their findings suggested that educational schemes designed for transgenders operate on shoestring budgets due to limited support and funds from federal and local governments. According to Rajesh and Naved (2013), the 'transgender community, […] seriously lag(s) behind on human development indices including education'. Rajkumar (2016) maintained that despite affirmative action, the education gap 'remain(s) substantial among the transgender community' in India. In these studies, factors such as alienation from family, poverty, trauma and discrimination at school were attributed to the education gap.

Ten years since Chakrapani's 2007 study and three years since the passage of the NALSA judgement, the majority of participants in my study did not feel that the legal recognition of 'third gender' has improved access to education for gender nonconforming people. While the judgement calls for increased focus on education and grants educational quotas to the 'third gender', it does not detail appropriate measures to promote a sensitised environment at educational institutions. In the following quote, Priya (TG, 23), who was among the few college educated participants and the only one to have obtained admission after the passage of the NALSA judgement, recounted her encounter with systemic inequities at the time of college admissions and social problems thereafter:

I was one of the first people to take admission in Delhi University as a 'third gender'. I faced a lot of problems while seeking admission into a collage of my choice…it had mainly to do with my identity documents. I didn't get admission that year….so, I reapplied the next year and got admission.

Priya went on to discuss why she was able to surmount the systemic issues involved in the process of seeking admission into a college but was less successful in surviving college itself. She described the college environment as 'hostile' and 'toxic' and opened up about the struggles of a person with no support network or access to a functioning grievance redressal system. Due to these factors, she had to make the difficult decision of dropping out of a programme that she truly enjoyed. While the 'third gender' can now obtain a level of protection embedded in law, their participation in education is thwarted by social factors (such as a lack of support from mentors and peers), that are less discernible and harder to redress through legal

means. Priya's example illustrates that emancipatory laws without adequate public sensitisation tend to have a limited impact in the lives of marginalised individuals including the 'third gender' (see Sircar, 2017).

The NALSA judgement calls for an increased focus on education and accords affirmative action to the 'third gender'. It does not, however, offer solutions towards closing the existing education gap among people between 20 to 40 years of age. More especially, it does not account for class, regional and social differences within the broad category of 'third gender'. Outreach workers and activists in this research noted that any measure taken towards promoting education among the 'third gender' must be specific and targeted. To this end, Basera employs a three-pronged approach towards educating gender nonconforming people from predominantly working-class, Hindi speaking backgrounds; this includes promoting adult education, vocational training courses, and a sensitised environment in educational institutions.

With a college degree, Sundar (MSM/TG, 24), who was amongst the more educated participants in the sample, taught adult community members on Sundays. He noted:

> I understand the importance of education in today's world all too well…without it no company would hire you. I believe that adult community members who had to drop out of school due to unfavourable circumstances should be given a fair chance now.

The outreach workers in this study recognised that a range of vocational trainings, and not just formal education, can boost gender nonconforming people's employability and make their future more secure. They believed that they needed skillsets, which they could deploy to make a living, but equally which inspired them and enriched their lives, such as designing and stitching clothes, makeup and beauty training etc. To this end, Silky (TG, 22) offered makeup and beauty classes within Basera's 'safe' and 'friendly' premises to anyone who expressed interest in her work. She noted:

> Earlier I used to feel anxious about my future… but now, after having completed my education, I feel a bit more secure. I am not too worried about life anymore…I can pretty much live in any part of the country and take care of myself. I can use the skills I have acquired here to start my own NGO and help my community, and also put food on my table [smiles].

A quarter of the sample stressed on the need to promote awareness about gender and sexuality among children from an early age in order to create an inclusive society that does not stigmatise people based on their identities. In this regard, they noted that incorporating gender and

sexuality studies into the school curriculum can be an effective way of inculcating empathy and respect among school goers towards gender nonconforming people. Creating safe environments in schools and colleges can also help transgender students 'come out' and embrace their gender identity at an early age. As Kaveri (TG, 22) noted:

> There are stories about girls and boys…about their lives…their childhood, families and feelings…someone has to write our stories too. Tell the world about the girl who was born a boy…she liked this…she liked that…she didn't have friends. Right from childhood, people should be made aware of people like us. So that when they grow up…they aren't scared of us.

Kaveri then told me about her dream of starting a vocational institute for 'regular' as well 'third gender' children where they would receive training in their respective vocations in close proximity with their peers. She stated:

> One day I will open a school with a big playground where boys, girls and TGs can talk openly about their feelings…and educate each other about their lives. TG children will share their problems with a hundred others…and then these children will share what they've learnt to a thousand others…slowly everyone in society will come to understand our community.

Gender segregation in India begins at school where male and female students are kept apart from each other (Godbole, 2018). Kaveri went on to say that segregating children based on gender can have dire and long-lasting consequences on their perception of gender and sexuality. Importantly, it can slot people's social lives into homogeneous spaces, constituting members of a particular gender and lead to the perpetuation of myths and misunderstandings about people inhabiting a different social space. Kaveri wishes to start a school where transgender, female and male students are able to mingle and share their feelings with each other. She feels that sensitisation takes place organically and effortlessly. As children become friends, they begin to understand and appreciate each other's problems as well as stand up for one another. Godbole (2018) argues that if students of all genders became friends, they 'would see each other as equals', which is impermissible in a system that 'feeds off creating differences between the genders'.

### *Creating Employment Opportunities*

The Right to work is the concept that people have a right to participate in the workforce regardless of their religion, sexual orientation, gender or ethnicity (UNDP, 2015). The realisation that a marginalised person's 'right to work' does not end at finding 'productive

work[92]' but extends to working in a safe environment prompted the International Labour Organisation (ILO) to set guidelines for 'decent work' in 1999. The Universal Declaration of Human Rights specifies four indicators as key to 'decent work', this includes the right to work, equal pay, just remuneration, and freedom of association (Ghai, 2006; United Nations, 1948). Although a majority of my participants were employed, their working conditions were not up to par with the guidelines laid down by the ILO and their workplaces suffered from a range of deficiencies, including unjust and irregular remuneration, workplace sexual harassment and discrimination, and lack of opportunities for growth.

More than half of the participants in this study were employed, of whom most worked at an NGO, a few had low paying jobs at 'regular offices' and the remaining supported themselves by taking part in a variety of *chote-mote* (menial) jobs, such as sex work, begging and *toli*. The majority of outreach workers in this study seemed generally satisfied with their jobs[93]; however, they felt that the pay was not sufficient to support oneself in a metropolitan city. Consequently, many of them supplemented their 'NGO job' with additional sources of income, turning to avenues pursued by their peers without day jobs (see page 164). Beyond earning a very low salary, these participants felt that their profession lacked recognition and that their efforts were devalued by the wider society. Sadia (TG, 20), for example, felt that although she was making a difference to people's lives through her work as an outreach worker, she neither felt empowered nor respected for the service she provided. She stated:

> Most of us don't want to beg…we want to be productive members of society. I do think that I was making a contribution to society while working at an NGO. But I only got paid Rs.1500[94] [per month] and the salary never came on time…what can a person do with such little money? How are they supposed to pay rent? Or eat? Or buy clothes? Listen, I was working at a respectable NGO, and yet people [neighbours and friends] continued to treat me with disdain. They used to say, 'what's the point of working an NGO when you can make a living by clapping'? Unfortunately, I couldn't go on like this and quit my job.

About half of the participants working at an NGO echoed Sadia's sense of financial precarity, reporting that their salaries were too little and/or too irregular to pay bills on time, live in a safe neighbourhood and support their families. More especially, it appears that outreach workers

[92] Productive work constitutes forms of labour that lead to the production of items of monetary value in the capitalist system, and are thus remunerated through paid wage (Duffy, 2007, 2013; Griffith et al., 2018).
[93] Except for Nisha (see page 164).
[94] Around 15 GBP

were seeking respect through their work and wished to be instated as worthy members of society. Their stress on 'productivity' in our discussions around employment suggests that it mattered to them that people recognised outreach work as a legitimate occupation and that it made a difference to society (Lamont, 2002).

Almost all participants indicated a desire to work; however, what constituted 'work' for them varied quite a bit. For example, some participants thought of hijras' traditional practices as 'easy income' or *'galat kaam'* (indecent work), while others put them under the category of legitimate work. As well as workplace discrimination, lack of education and appropriate vocational skills, were cited as important reasons for the 'third genders'' reduced participation in the workforce and their slow ascent through the ranks once employed. Importantly, a handful of participants pointed out that the 'third gender' could now make up for this lack of formal education by making use of the training opportunities offered by some recruiters following the legal reforms. Reflecting on the employment opportunities presented to them in recent times, Seema (Hijra, 39) and Silky (TG, 22) discussed how they might inculcate pride and a sense of independence among community members:

> The HR teams of various companies have said to me, 'If people from your NGO would like to join our company, we would gladly accept them, we are willing to build their capacity…we will treat them as our equals. I am not at all suggesting that we will get it right all the time, but we want to work with you guys. We are willing to change our policies for you'. Now, if companies are willing to go as far as changing their HR policies for us, it is our turn to step up and seize this opportunity. Look, I don't want to criticise my community, but I have to admit that we have formed a habit of begging on the streets and earning easy money. By easy money I don't mean that there is zero effort involved in sex work. What I want to say is that our community members don't challenge themselves enough […] I have tried to speak to them about the sense of independence and pride that come with working at an office…some people seem convinced and some don't [laughs]. [Seema]

> We have good relationships with DLSA[95]…they helped us find a gig with Delhi Traffic Police. The police tasked 21 of us with spreading awareness about traffic rules, such as wearing the seat belt properly and not using mobile phones while driving. We used theatrical gestures and body language of the hijras while talking to people about these rules. It was so much fun, and it made us both happy and proud. [Silky]

Several participants stated that the current work culture does not take into account the needs of transgender people, diminishing their chances of staying with one company and rising through the ranks. The majority of the participants who worked at 'regular' offices (other than NGOs),

[95] Delhi Legal Services Authority.

were experiencing or had, in the past, experienced some form discrimination based on either their gender/sexuality or HIV status or involvement in sex work. Even if initially hired, transgender candidates are at a risk of losing their job once their gender identity becomes apparent to people at work (Chakrapani et al., 2007). Salma (TG, 25), for example, discussed how her former boss and colleagues disapproved of her 'effeminate' behaviour and dressing sense. She stated:

I have always been a feminine person…these days I am able to control my feminine ways to an extent…but earlier I couldn't. When my boss and co-workers saw my femininity, they started spreading rumours about me. They complained about me to my brother-in-law who held a higher position at the same office. Being a caring person, he tried to defend me by saying, 'Well, Salma doesn't bother anyone at work, right? He finishes work and goes home…and doesn't poke his nose in anyone's business. So, then, why do you guys have a problem with him'? To which they said, 'He may not be a trouble right now, but some of his co-workers will learn bad things from him and become like him'.

A few participants reported being sexually harassed by their former bosses and colleagues once their 'femininity' was revealed at the workplace. For example, Silky (TG, 22), noted:

Before coming here, I worked at an office canteen for two months. My boss, at the time, used to make lurid remarks about me. He used to touch me inappropriately and used to say things like, 'Don't go back, stay here. You can go home a little later'. I used to try to excuse myself saying, 'Sir, I wouldn't be able to catch the bus if I stayed here any longer'. But he was very persistent and used to keep me in the office long after my colleagues had left. Then one day he said, 'You have to come to my house to pick up some documents this evening'. I did not follow his order thinking he would do something terrible to me if I went there. Afterwards he made me resign…but didn't pay me for the time I worked there.

Silky went on to suggest that in the absence of a supportive network of colleagues and friends, even in cases like hers, where misuse of power is writ large, perpetrators are likely to go unreported. TGs avoid reporting incidents of sexual harassment to the Human Resource team to avoid being seen as 'trouble' and to the authorities due to their lack of trust in them. Some of the senior outreach workers informed me that although organisations such as Basera can sometimes help community members fight workplace harassment and unlawful termination of work contracts, its lack of both legal and financial reserves that limits what it can do in this regard. As Nisha (MSM/TG, 24) noted,

Recently what had happened was…a community member got injured at work and was taken to the hospital. The doctor ran some tests and found out that she was HIV positive. He then proceeded to inform the boss about this employee's HIV status…following which the boss fired her from work. This is so unfair!

Ankita: How will this CBO support this person?

Rani may decide to inform a couple of news outlets about this incident. They are just a phone call away…and soon after that, 100s of articles will get published online and on social media. This would be very shameful for the company. We might need lawyers to fight his case…Rani and John have connections at various legal agencies, and they will find someone to represent this person. We are going to fight back.

For the 'third gender', work participation plays a significant role in how they perceive themselves and are perceived by others in society. My analysis emphasises that creating job opportunities alone, without safeguarding the workplace environment, can have limited impact on the lives of gender nonconforming people. In the above case, for example, a 'third gender' employee was laid off on the basis of her HIV status, which was confirmed through unconsented serological testing and illegal disclosure of personal information. It shows that gender minorities are at a greater risk of being terminated from work than others even though there are legal provisions at the national level to prevent it from happening (see, for example, Ahmed et al., 2014; Chakrapani, 2018; Mal, 2015). Moreover, it highlights the importance of sensitising co-workers and bosses about transgender as well as HIV issues and stipulating strict company guidelines around privacy issues, commensurate with the national guidelines, to protect transgender people.

### *Pension Plans and Housing Schemes*

While none of the participants were sleeping rough at the time of my fieldwork, most of them experienced some degree of vulnerability with regards to housing and night-time shelter. The housing situation of participants were as follows: i) the majority of participants lived in rental accommodation in low-cost slums of Delhi and the NCR, ii) about a quarter lived in secure and permanent arrangements with their biological or *gharana* families, iii) a few of them recounted periods of intermittent homelessness, particularly in the aftermath of 'coming out' to their family. The demand for safe and subsidised housing was a recurring theme in the interviews, regardless of the participant's age or identity. About a third of the sample did not have an ongoing relationship with their families and as a result, did not have access to an emergency shelter. While Basera provides temporary accommodation to vulnerable TGs, hijras and MSM, participants needed a more permanent solution to their precarious housing situation. As Arya (Hijra, 40) noted:

My cost of living may be three times higher than yours. Because I can't even rent a room at a fair price. Nobody wants a transgender person living in their neighbourhood. I have to jump through hoops to rent a place in a remotely decent locality.

The NALSA judgement recommends extending 'existing social welfare schemes for needy hijras/TGs and create specific welfare schemes to address the basic needs of hijras/TGs including housing needs' (NALSA, 49f [7]). Likewise, the TPB (2016, 2018) prohibits the denial, discontinuation or unfair treatment of transgender people 'with regard to the right to reside, purchase, rent, or otherwise occupy any property' (TPB, p.3). Despite these guidelines, participants' accounts suggest the housing situation of gender nonconforming people continues to be riddled with uncertainties, such as denial of accommodation, rent escalation, and the danger of being intruded upon.

Surveys show that landlords in India have qualms about renting out their property to individuals considered risqué, such as bachelors, single women, 'foreigners' and transgender people (see Bernroider, 2018). While young female tenants have access to NGOs that look into their housing needs, transgender people have fewer avenues for redress of grievances. Since the main focus of national and international LGBT organisations is on HIV/AIDS management and control, the housing needs of transgender persons are often relegated to the side lines. The majority of the participants, including those who earned well and could afford to live in a middle-class neighbourhood, were lodging in vertical slums as shown in the photo:


Researcher photo of a vertical slum inhabited by TGs (13.01.2018)

Most of my participants supported the emancipation of the 'third gender' from traditional *gharanas* and their participation in, what they considered, productive work. A handful of them highlighted the need to account for the specific needs of elderly hijras who were not in a position to find work either due to health reasons or their lack of education and/or skills. The steady exit of young hijras from the *gharana*s has left elderly gurus with no other option but to find ways of supporting themselves through menial jobs. Participants suggested that the state can help in this regard by including elderly hijras into its pension plans and housing schemes. As Kaveri (TG, 22) said:

> Look, they [elderly hijras] have no way of finding mainstream work. They are old and uneducated and have been performing at *toli* and *badhai* ceremonies since they were very young. At this age, most of them have aches and pains in their bodies. What will the gurus do if *chelas* don't support them during this stage of life? What will the gurus do if everybody leaves the *gharana* in search of employment?

In the above quote, Kaveri discusses the predicament of elderly hijras who were no longer able to perform at functions and whose *chelas* had left them for more lucrative professions. Drawing on her recent interactions with the hijras, she listed factors holding them back from joining the workforce and/or rendering them unemployable. Firstly, she argued that hijras who have spent their entire lives in a cloistered *dera* may lack the motivation, or the skillset to find an office job. Secondly, she argued that currently they lacked the resources needed to rehabilitate and reintegrate with mainstream society, such as vocational and personality training, housing arrangements etc. Salma (TG, 25) echoed this point:

> Elderly hijras should be given pension. Sometimes *chelas* become very selfish and leave their gurus alone in their later years. Some of them end up in the street because their *chelas* might have usurped their property. What can an elderly hijra do on her own? So, number one, give them pension and give them a small house. Number two, if you can't make them the owner of the property, at least let them live rent free until they die….once they are no more, the government can repossess the property.

In its attempt to 'modernise' the hijras, the state is encouraging them to dissociate from their traditional lifestyle and practices and take up productive, mainstream work (Saria, 2019). From her interactions with hijra *gurus*, Salma had gathered that the prospect of the slow disintegration of *gharanas* had stoked up a sense of insecurity among them as they 'do not know life beyond its bounds'. The Government of India has passed a national pension scheme for the 'third gender' in accordance with the NALSA judgement. However, at the time of writing, there are no clear guidelines on how to implement it. Given these gaps, a few participants expressed that lawmakers should have considered the following questions before

framing and deploying policies towards 'emancipating' the 'third gender': Who will give jobs to the elderly hijras? What kind of jobs would they be able to carry out? What do they need in order to feel secure in life?

A few participants made demands for subsidised housing schemes for all 'third genders' regardless of their age and subcategory. For example, Misha (TG/Gay, 26) stated that 'the most important thing in life' for her is to be able to one day build a house. She explained that owning a piece of real estate would make her feel more *izzatdar* (dignified) and assuage her sense of precarity. Misha added that unlike most men and women, TGs do not have freedom of movement even in their own neighbourhoods; they 'go out stealthily…come back stealthily'. Further, she felt that there was no way for her to overcome this other than by building a house 'away from society' where she is no longer subjected to the unfriendly gazes of her neighbours. She noted:

> I don't want to live with the rest of society. They don't treat us well. I want to live with people of my own community and only be with them. If my home is away from society, no one can cast judgement on me or stop me from doing what I want to do.

Nelly (TG, 26) made a similar point:

> I am a sex worker. What will we do when I get old? What will I do 20 years from now when I am not young or beautiful anymore? Who will take care of me? I will never have children. Not many people will come to me for sex. I may not even be good at it when I am old. The CBO should demand for pension schemes from the government for people like myself. For example, if there is an apartment for 10 lakhs [10,000 GBP], the government should subsidise the property for us…maybe give it to us for 3 lakhs [3,000 GBP].

Nelly predicts that her income from sex work would start plummeting beyond a certain age and that she needs to take measures now in order to live with dignity in her later years. Quite a few participants echoed Nelly's uncertainties about the future and expressed that they would like to have more support from Basera with housing issues. Nelly further argued that while both transgenders and hijras often lack familial support, hijras have 'a *gharana* to lean on when they need to'. Transgender people, on the other hand, have no such group to rely on and therefore need to be included in housing schemes more than any other gender nonconforming group.

### *Mental Health Awareness*

Various authors argue that gender nonconforming people in India experience difficulties in discussing their mental health and accessing good-quality, non-judgemental mental healthcare (see, for example, Bhattacharya and Ghosh, 2020; Kalra, 2012; Pandya and Redcay, 2021). Even though the Diagnostic and Statistical Manual of Mental Disorders (DSM) no longer categorises gender and sexual variances as pathological states, in practice, the majority of Indian doctors continue to view them as 'psychotic and abnormal' conditions (Coulshed and Orme, 2006). The majority of participants in this study felt a sense of shame in disclosing self-harm, loneliness and the feeling of being 'trapped in the wrong body' as these matters were frowned upon by their healthcare providers. Lack of proper infrastructure, together with an environment that delegitimises health conditions that are not life-threatening, has rendered mental health care somewhat inaccessible for gender nonconforming people (see, for example, Kalra, 2012; Pandya and Redcay, 2021).

The NALSA judgement was the first legal document that addressed the topic of mental health of transgenders in a sensitive and non-judgemental way. It states, 'Seldom, our country realises or cares to realise the trauma, agony and pain which the members of the transgender community undergo, nor appreciates the inner feelings of the members of the transgender community' (NALSA, p.459). It recommends, 'any medical or psychological treatment or counselling that does not, explicitly or implicitly, treat sexual orientation and gender identity as medical conditions to be treated, cured or suppressed' (NALSA, p.471).

While several participants opened up about their struggles with mental health, only four of them (who were English speaking and/or college educated) expressly included the topic as part of our discussions on activism and social demands. As Bonny (MSM/Gay, 31) and Rudy (Gay, 26) said:

> LGBT kids are not able to discuss their mental health at school… which can lead to them dropping out pretty early on. They don't know where to go if they are facing problems…there are no teachers or school councillors equipped to handle their problems. When I was at school…I didn't know anyone, who could understand my problems. The teachers seemed very formidable and uncaring…you see…you don't know how they might have taken the whole thing. There are some things that kids aren't comfortable discussing with their parents, but they might find it easier to discuss them with a counsellor or even a stranger. [Bonny]

Ma'am, you must have met some folks here who engage in self-harm. You know why they do this? They do this because they are scared…about life…about the future. They are sacred because they don't have any form of support from their parents. In the future, I would like to help them and guide such people in the right direction. [Rudy]

Several participants reported facing difficulties in accessing therapists during life defining moments and how this impacted their survival and adjustment in society. In Chapter Four, I detailed Bella's (Kinnar/Hijra, 35) physical and emotional experiences after her sex reassignment surgery, which changed her from someone who did not care about consequences to a 'weak' and 'emotional' person. She likened her new mental state to that of a 'menopausal woman', needing love and kindness from her partner. Further, she wished she had more support particularly in the form of therapy to help her navigate her 'changed' physicality and state of mind. As she noted:

I got exploited by three different men in a year and a half. Recently, I was in a serious relationship with a younger guy who broke my heart. Nobody could do this to me earlier, when I used to be a cross dresser. But everything changed as soon as I underwent SRS…I became a weak person. I became less sexual…I became…in a way...like a menopausal woman…and I had no one on my side when I was dealing with all this. [Bella]

Similarly, Sundar (MSM/TG, 24) and Misha (Gay/TG, 26) reported feeling isolated and alienated due to lack of support from family and friends:

I lock myself in a room and cry like a woman…I react like a woman. I am really confused, ma'am. I don't know what to identify as or what to call myself. I have no friends, and no one cares about me. [Sundar]

When my parents found out that I was gay, they beat me up really badly. In fact, they called a *policewala* [policeman] to teach me a lesson. My family now thinks *mai sudhar gaya hu* [I am a reformed person]. I pretend to be masculine and straight, and it stresses me out. But I do it anyway. For now, I am just going to continue living with my family until I am able to make some money of own. [Misha]

Nataliya (TG, 28) recounted her experience of running away from home in search of a better life in Delhi. Faced with the tasks of finding a place to live, work and establish herself as a 'responsible' and 'functioning' member of society, she was overcome with fear and isolation. She stated:

I tried so hard to put on a masculine façade. I tried mingling with boys, took up sports, tried my hand at body building. All of this, just to prove that I was a boy. With each passing day, I was crumbling from within and falling apart. That's why I left home and decided to live on my own. Upon coming to Delhi, I felt like a little bird who had just flown the nest…looking at the world outside with dazzled

eyes and feeling proud of what she had achieved so far. Everything seemed so new and…different. However, this newness didn't last very long…and reality hit me when I had to look for a place to live…when no one would rent their property to a TG, and when no one would become my friend or even talk to me.

Although not much research has been done on the experiences of transgender children in India, numerous studies conducted worldwide have described transgender childhoods as constituting precarity, misrepresentation and mistreatment (Mallon and DeCrescenzo, 2006; Olson et al, 2016). The majority of the participants in this study reflected on their childhood using negative expressions such as 'painful', 'grossly misunderstood', and 'living with a sense of mismatch' between their sense of self and role in society. They explained that living with such 'confusing' feelings entailed, on the one hand, portraying platonic relationships with female peers as romantic ones and, on the other, concealing romantic desires for male peers. Almost all participants circumvented and/or contravened social norms to fulfil their 'womanly desires', such as applying makeup, cooking and spending time with men. Silky (TG, 22), for example, discussed how she made use of the cultural tropes of *'masti'* (fun) and *'hasi mazaak'* (jokes) to spend time with the boys in her class. Some other participants described their childhood as a constant strife between 'desiring womanly things' at a personal level and performing a 'masculine role' for their family and friends. For some participants, the lack of honesty, both at home and outside, had resulted in an enduring fear of 'being outed' by a close family member or a friend, which haunted them even at the time of the interviews. Moreover, participants who had access to mental health care and counselling services, described their experiences with care workers as 'improper and inadequate'. They reported that even doctors with a specialisation in the field of gender and sexuality treated their experiences of trauma as a form of mental illness rather than a predicament caused by external factors, and, consequently, used corrective measures involving shame and guilt induction rather than enabling them to understand and 'embrace their identities' (Rutherford et al., 2012). For want of a better option, some TG participants in their youth would get involved with hijra *gharanas* to seek support and validation. As Priya (TG, 23) noted:

As a kid, I used to keep asking myself why I felt more comfortable hanging out with women than men? Was I the only one like this? These questions used to haunt me. One day I finally booked a session with a psychiatrist, but that didn't go anywhere either. She called me a mentally ill person. Having lost all hopes, people like me seek refuge in a hijra family even when they don't necessarily want to.

A few participants felt that the overall circumstances of transgender people have improved through the efforts of individual and state actors, including TG activists, lawyers and NGOs, who champion transgender causes and make their voices heard and opinions matter. In addition to this, the recent legislations have attempted to promote inclusivity and reduce prejudicial practices against the 'third gender' in state institutions. As a counsellor at Basera, Priya (TG, 23) often talks to her community members about their rights and helps them marshal resources that she did not have access to while growing up. She spoke with pride about her role at the CBO:

> I am able to transform the lives of transgender, hijras and MSM by talking to them. That's what I like about my job and I feel very proud of it. There must be something about the way I speak that people admire…maybe that's why they selected me for the position of a counsellor.

In the following quote, Shreya (Queer, 23) discussed the mental health of activists working in distressing situations:

> Last year, for example, we had a pretty comprehensive project on access to mental healthcare. Mmmm and we looked at mental health outside of a kind of structured, organised healthcare forum…so like not trying to pathologise identities in any way but acknowledge that okay if you have a queer identity or if you are a human rights activist, you work within gender-based violence, human rights issues, then the likelihood of you experiencing certain anxieties or certain minority stressors is very high.

Shreya argued that activism is often extremely mentally strenuous due to the very nature of the work it involves, such as advocating for marginalised people, offering them emotional comfort and dealing with bureaucratic discrepancies. To add to this, she felt that society does not consider activism a serious profession, often leaving activists feeling invalidated, even as they 'work round the clock' in 'extremely trying conditions'. With an aim to formulate a typology of stressors associated with activism, Nazariya has been conducting stress management workshops using a 'non-medical framework' which involves engaging activists with their own sense of marginalisation, discussing emotional stress and what they can do to manage that stress. Shreya admitted that her 'tool kit' may not apply to all activists as they are exposed to vastly different environments; however, she believed that any discussion on emotional stress can help them recognise their own stressor(s) and reassure them that they are not alone in their struggles.

## Conclusion

This chapter conceptualised the impact of 'emancipatory' policies in participants' lives with regard to identity recognition, formal education, employability, pensions, housing, and mental health issues. While the courts must be lauded for identifying the 'third gender' as a marginalised group, participants' responses point to the following shortcomings of the reforms. Firstly, there does not seem to be a clear-cut basis for recognising the 'third gender', and secondly, the implementation of the policies contained in the reforms have been patchy and, in many cases, counterintuitive to the wellbeing of the 'third gender'.

The needs of gender nonconforming people are subjective and heterogeneous, and this is reflected in their experiences with the law. While some participants prioritised education and employment, others pointed to their customs and rituals as indicators of happiness. Therefore, bracketing people using a narrow paradigm of 'third gender' may be insufficient in catering to the diverse needs of the multitudes of people that make up India's gender nonconformists. A more comprehensive and critical path that accounts for subjective differences in needs, desires and aspirations is therefore needed. This may be done at the level of framing policies as well as their implementation. At the policy framing level, the law should emphasise education and promote 'mainstream work' without criminalising hijras' traditional practices and sex work. Importantly, as the relationship between gender and sexuality may, in a lot of cases, be tangled and messy, it is important to consider the social and sexual rights of all gender and sexual minorities and not just of those whom the court defines as the 'third gender' or 'transgender'. These changes can be brought about only by working from the vantage point of gender nonconforming people in a consultative and collegial manner. The implementation of the policies, however, may be harder to address due to a range of systemic issues in Indian bureaucracy and society, chief among them being corruption.

# Chapter Seven: Conclusion

## Introduction

This work examined gender nonconforming people's understandings and use of modern and traditional identity categories, their boundary making practices and their reactions to policies and laws passed between 2014-2016. This chapter is divided into three sections. The first section discusses the contribution of my research to the study of gender non-conformance in India, how some of its findings reinforce previous studies, while others help to fill gaps in the literature. To this extent, it begins by discussing gender nonconforming participants' situated uses of the categories, hijra and TG in everyday social situations. It then picks up on the main points raised in my discussions about participants' community building practices and finally, it explores their social aspirations in relation to the NALSA judgement and TPB. The second section discusses the limitations of my work. Finally, the third section explores some potential avenues for further research on this topic.

## My Key Findings and Contribution to Knowledge

In this section, I will draw upon the prominent themes that have emerged from the data within the context of a wider literature on gender nonconforming people and groups. The main point of this section, which has been considered to varying extents throughout the thesis, is to problematise the idea of rigid, monolithic, and unchanging gender nonconforming identities in India – whether that is of a hijra or of a TG. This issue is contextualised in terms of the social changes that have arisen in the wake of HIV activism, including the ways in which the dissemination of HIV programmes has brought about changes in the naming practices, class hierarchies, and community building practices among gender nonconforming people.

This is an important work that examines nonconforming identities in the post-NALSA legal landscape in India, a theme that remains relatively under researched both by Indian as well as international academics. My research contributes to knowledge in a number of key respects:

- A significant section of research on stigma against gender nonconforming people does not consider the wider economy of class, politics, and colonial laws within which stigma is produced and channelised. My work addresses this gap by paying due importance to

all of these variables in its theorisation of stigma both from within as well as from outside the 'community', and its personal and institutional forms.

- Researchers have so far tended to examine the categories of hijra and TG as distinct and separated from each other, presenting TG as a modern, middle-class category and hijra as its traditional, working-class counterpart. My work looks at the entanglements between the two categories, and how participants, using both categories, navigate contexts of stigma, HIV and legal outreach.
- This research is also one of only a handful of sociological studies to explore how the new legal status of the 'third gender' in India intercepts and troubles the established notions around pre-existing nonconforming gender categories.

This study is timely and suitable to be conducted in India, a country where the subject of 'LGBT rights' is perceived as a 'success story' and has become an everyday household topic and part of political debates (Khanna, 2014). It is a necessary work that explores the ways in which nonconforming identities are changing within a changing society, as are the boundaries between them, creating new 'acceptable' or 'desired' forms of expressing gender nonconformance (Mount, 2020). The use of social constructivism, which focuses on the role of everyday circumstances in identity construction, has been deliberate in the theorising of naming practices, communal ascriptions and paths of social change. The following section discusses the key findings and contributions to the growing literature on gender nonconformance in India.

***The Situational Uses of Identity Categories***

One of the key areas that I set out to explore in this research was how the various social contexts in which gender nonconforming people find themselves in a city like Delhi afford or permit the use of certain identity categories, while constricting the use of others. Although authors such as Azhar (2019), Khan (2019) (in the Pakistani context), and Mount (2020) have previously looked at how modern categories of identification interact with their traditional counterparts, and how, using these categories, a section of gender nonconforming people are able to align with the traits linked with modernity and respectability, none of these authors have explored the contextual use of these categories – a knowledge gap that my research seeks to fill. Azhar (2019), for example, states that unlike transgenders in the West, hijras have deep

roots in India and occupy a well-recognised social position. A transgender, on the other hand, Azhar claims, is:

> often described as being in the process of 'becoming' or as being 'in transition', supposedly from being male to female, or from female to male. Meanwhile, the third gender person in South Asia just is. No transition is necessary, though many people do undergo hormone therapies, penectomies or the removal of testicles. Nonetheless, there is no end game or finite gender binary towards which the hijra is working. They are not in the process of arriving at their destination; they are already there.

Azhar argues that the use of terms, such as 'transitioning' or 'passing' in reference to transgender persons in Western societies reflects the West's tendency to see them as people who are not well-anchored to a particular social position. My findings diverge from Azhar's to the extent that while my participants were mindful of what was Indian and what was borrowed from the West, their use of both 'TG' and 'hijra' in everyday social situations blurs the presumed geographical demarcation between the two categories. Moreover, Azhar's portrayal of hijras as anchored to a fixed social position and transgenders as journeying through multiple social positions, is a false dichotomy. Such a distinction is particularly untenable in the fast-evolving context of urban India, where gender nonconforming people are intimately bound up with HIV schemes, which shape their naming and identity practices.

Similarly, Mount (2020) examines how TGs seek approval and incorporation into social hierarchies in postcolonial India. She argues that for transgenders in contemporary India, claiming respectability and a 'middle-class status' requires drawing on the archetype of the 'new Indian [cis] woman', while distancing oneself from the 'disreputable' practices of the hijras (Mount, 2020, p.641-642). Many TGs, particularly those who live in urban areas, project their proximity to the everyday struggles, opportunities and freedoms encountered by cis women in the wake of post-colonial, economic liberalisation. To this end, their involvement in 'office employment via their participation in NGOs' is an important contributing factor in helping them attain a respectable niche (Mount, 2020, p. 661). Although the mutual imbrication of gender and class is an important theme in this thesis, my findings diverge from Mount's in two important ways. Firstly, the majority of my TGs participants did not identify as middle class, instead they ascribed to themselves a range of middle-class traits such as personability, education and a 'decent' job at the CBO, all the while holding on to their working-class roots. Secondly, unlike Mount's participants, they did not completely reject the identity of a hijra, using hijras' identity practices and kinship relations for strategic, material or symbolic reasons.

However, like Mount's participants, some of them wanted me to think of them as 'ordinary' cis woman and described their struggles and opportunities in modern day India as very similar to those of cis women (see Arya's quote on page 116).

Both Mount and Azhar, argue that owing to modernisation, the traditional hijra identity has become less desirable, particularly in urban metropolitan areas. Having presented the 'modern' transgender in opposition to hijras' 'undesirable' embodied and communal practices, these authors have laid out a binary model of nonconforming gender identity construction in India. Although the authors' claims are not altogether unfounded, my participants displayed a movement between identity categories while navigating through their personal and professional life in a changing society, rather than a complete acceptance or rejection of one or the other. The emphasis on social change is important as I have captured a crucial time in Indian gender and sexuality politics, which is produced by the entanglements between HIV initiatives, international LGBT politics, and new legislations and laws. Taking stock of India's changing society is key to examining how different identity categories are understood and the reasons for which they were adopted or rejected by research participants.

This thesis engages with social constructivism to examine how participants understand and pick up on contextual cues to deploy certain identities, pursue communal relations, and push for social changes. It argues that for some individuals, the use of gender nonconforming identity categories can be provisional, flexible and strategic, where they 'construct' their identities based on their contextual conditions and limitations. In this regard, scholars like Lawler (2014) problematise the idea of a 'true identity' that Western scholarship counterpoises against 'performing a role'. While the former is assumed to be an expression of 'who we really are', the latter, in most cases, involves 'donning a mask' in order to 'disguise' our true selves. Lawler argues that there is no 'true identity' that resides inside an individual, waiting to manifest itself in a conducive context, instead, it is the various 'roles' that they play throughout their lives that constitute their identity, and in doing so, she attempts to bridge the gap between the proverbial 'mask' and the 'person wearing it'. For this, she borrows the concept of self-impersonation from Donniger (2004) and defines it as a process of being and becoming social actors by 'doing' or 'performing' self-indicating roles. According to Lawler (2014, p. 121), people 'become themselves' by playing different roles through their knowledge of the corpus of behaviours associated with them. As has been discussed earlier in this thesis, a sizable

section of gender nonconforming people working at NGOs or CBOs in Delhi typically call themselves TGs, including when they interact with each other, with researchers like myself, and various HIV stake holders like doctors, policemen and lawyers. But there could be many reasons for which they may need to interact with the *gharana* hijras, including convincing hijras to get tested for HIV, resolving disputes regarding turfs, and preventing and resolving incidences of bullying and violence. As noted earlier, in order for a TG to 'perform the role' of or 'become' (to use Lawler's words) a *gharana* hijra, she has to emulate hijras' behavioural and bodily practices, including their hip comportment, coy speech, and claps. Therefore, it is possible to suggest that the avowal or shedding of identity categories by participants is never too sporadic or random to track but follows a predictable pattern. Their process of self-manifestation is influenced by their life experiences, understanding of social class, and the people with whom they interact; it neither static nor sporadic but in a state of dynamic equilibrium.

***Communal Boundary Making***

An important contribution of this thesis is my analysis of participants' varied understandings of the idea of a community, whom they included in it and whom they did not and why. Chapter Five examined how gender nonconforming people make and unmake community ties using markers of similarity and difference, such as class, sexuality and gender, and level of public engagement. It found that participants' ties to the LGBT community were mainly strategic, forged on the basis of constituent members' marginalisation and their activism around it. Only a few participants described their community as constituting all the letters of the LGBT acronym. Even as they did, they accorded differential importance to its various members.

Another important finding of the chapter concerns the relevance of HIV/AIDS programmes in the building of communal ties. The dissemination of HIV schemes to 'vulnerable people' from working-class backgrounds i.e. MSM, TGs and hijras has brought about changes in how these groups ideate the concepts of 'us' and 'them' and how using these two concepts, they build communal ties. Although being part of a particular scheme may not form sufficient grounds for community formation, I found that the recurrent interaction between outreach workers (most of whom identified as TG) and their target population (TGs, hijras and MSM) for HIV/AIDS programmes often led to the blurring of professional and personal lives. More often than not, the two groups interpenetrate each other's social worlds, developing a sense of

sameness and solidarity. Outreach workers reported that in order to promote friendships between TGs, hijras and MSM, they host a variety of social events at Basera, such as weekly tea parties, prayer meetings, birthday parties etc. At these events, the three groups dance, sing and bring to the fore their *hijrapa* or 'hijra habits', which were significant for the cultivation of communal bonds between them.

MTH participants, most of whom identified as working class, considered gays to be upper middle class and believed them to be exclusive when it came to deciding whom to admit into their social circles. Being excluded from these circles, both real and online, led MTH to draw boundaries between themselves and gay men. Boundaries were also made with lesbians and transmen as they were considered more 'privileged' by research participants who felt that, since lesbians were women and transmen biological women, both groups garnered more sympathy from people or/and were typically more sheltered within their families.

Chapter Five has also highlighted the communal bonds between female sex workers (FSWs), intravenous drug users (IDUs), MSM and TGs. This is consistent with Azhar's finding (2019, p.2) that FSWs, IDUs and gender nonconforming people 'share a transnational space' emerging from their categorisation as 'at risk populations for the HIV epidemic', which serves as a fertile ground for the formation of some kind of communal bonds between these groups.

Some other authors that have focussed on the role of class in nonconforming gender and sexual politics in India include Gupta (2005) and Sharma (2006). As Gupta (2005, p.132) notes:

> We have to acknowledge the silence between the urban and rural contexts, between activists with class privilege and those from the working class, between our own varying levels of Westernisation and use of English, and the grassroots reality we were trying to understand. The fact remains that the lives of ... [many queer people] ... are equally distant and alienated from upper-class, urban Indian as well as all Western representations of homosexuality, and their personal struggles, which cannot be separated from their socioeconomic struggles and traditional contexts, are largely unmirrored and therefore remain largely unknown.

Similarly, Sharma (2006) argues that LGBT lives outside of India's major metros remain 'unmirrored and largely unknown' owing to their caste, class and linguistic differences. Shah (2015, p.642) notes that in a 2014 LGBT community meeting, the 'question of language in particular was raised repeatedly' with regard to access to regional translations of laws and court verdicts. At this event, it was argued that not only has the LGBT community not put enough

effort into encouraging the participation of non-English-speaking members in discussions around policies, but also that very little has been done in the way of information dissemination among them. According to Shah, these exclusions are indicators of fissures existing between various LGBT people and groups in India, which are formed on the basis of differences of class, caste, language, education and region (Shah, 2015, p.642). Taking this into consideration, my work has further analysed the ways in which participants described their communal attachments and divisions, which can be summarised as follows:

- MTH participants used class as a marker to justify both their attachments to each other and detachment from gays. They considered themselves to be working class and gays as upper middle class.
- TG participants distinguished themselves from the hijras, whom they saw as a) less educated, b) possessing communal or *gharana* wealth, c) strongly tied to their *gharanas*.
- TGs saw themselves as more educated than the hijras and less educated than gays. Between the two groups, however, TGs felt much closer to the hijras than to gays, as they shared with them their 'habits' or *hijrapa*, which were a product of their social class.
- MTH participants distinguished themselves from LGBT activists on the higher rungs of activism, whom they saw as possessing symbolic capital and funding for their causes.

***Legal Reforms and Social Changes***

One of the major themes that arose from the data was participants' perceptions around the TPBs apparent disregard for gender nonconforming people's right to self-determine their gender identity, their communal ties, and their social and personal aspirations. The majority of the participants expressed dissatisfaction with the Bill. Contesting its various aspects, they stated that overall, it was not a well-considered policy, with a variety of issues emerging from its framework to its implementation style. The Bill claims to offer rights to 'transgender' people, but some participants' accounts indicate that far from being given rights, their basic and taken-for-granted freedoms have been infringed upon, this includes their right to call themselves a hijra and carry out *toli* and *badhai*. Chapter Six shows how rights-based approaches at legislative and policy levels can have a limited impact on the lives of gender nonconforming people, a deficit that can only be addressed by a simultaneous change in public perception. As

discussed in the data chapters, despite the implementation of reserved positions in employment and educational institutions only a couple of participants had claimed them and brought about changes to their lives. This was because, as various authors have claimed, the mindsets of people that make up these institutions are not yet on a par with legal changes (see, for example, Dhall and Boyce, 2015; Jain, 2020). Thus, even though the promotion of transgender rights is necessary, a juridical approach cannot, on its own, tackle the social forces that close down avenues of social development and upward mobility of marginalised subjects.

Bhattacharya (2019) argues that in its promotion of transgender rights, the Indian state has created 'violent foreclosures' of avenues of employment for transgender people, including the criminalisation of sex work and hijras' traditional practices of alms collection. In doing so, the state has attempted to promote a particular template of nationalism and create 'responsible' transgender citizens. Despite this, as Bhattacharya suggests, gender nonconforming people can turn 'violent foreclosures' into 'sites of radical possibilities' (Dave, 2012, as cited in Bhattacharya, 2019, p.14). For instance, even though the TPB puts a ban on sex work, TGs continue to find new and innovative ways to support themselves by moving sexual commerce from physical to online spaces. Bhattacharya argues that by creating an overarching and all-encompassing category of 'transgender', the state has demonstrated a tendency to move from 'chaos to order'. As it did so, it failed to consider 'how gender is inflected by class, caste and other specificities' (Bhattacharya, 2019. p.14). Bhattacharya's findings are consistent with my own. In Chapter Six, for instance, I have called into question the terms and conditions of transgender citizenship – who gets to call themselves a transgender, to what end and at what cost. I have shown how gender is not a stand-alone category but is intersected by factors such as class, caste, and sexuality. Therefore, categorising people only on the basis of gender glosses over the complex interactions between the different dimensions of one's identity, thereby undermining the intended outcome of affirmative action. For instance, as discussed earlier, the Bill places gender nonconforming people as an 'Other Backward Class' (OBC) and in doing so it conflates gender and caste identities of people. Due to this, Scheduled Caste/Scheduled Tribe gender nonconforming people, who could avail more extensive welfare provisions[96], now have to contend with being 'OBC'. Thus, the legal reforms have produced a transgender citizen

[96] As these two categories are considered more marginalised than 'OBCs' and have more extensive welfare benefits attached them.

and given them a set of rights but their lived realities as caste, class, education, sexuality bearing citizens continue to elude the mandate of law.

Dutta's (2014) work among the *dhuranis* in Bengal suggests how by pushing and promoting the legal category of 'transgender', the Bill renders locally variegated subjects 'illegible' to the state's charter of rights. It explores the contradictory natures of the NALSA judgement and the TPB, with the former advocating self-determination of one's gender and the latter primarily relying on biological essentialism, leading to an uneven and patchy implementation of policies. Importantly, Dutta points out that the legal reforms are largely driven by urban, mainstream trans-activist voices who decide who is to be recognised as 'transgender' and who is not, while the voices of less privileged, particularly rural communities remain un- or under-represented in these reforms. Even though my participants were mostly from urban areas, they concurred that all important decisions regarding trans and LGBT rights are taken by a select few people on the higher rungs of activism. My work, like Dutta's, warns against the rise of 'politics and competition' regarding who should gain welfare benefits and who should not in a fast-evolving legal context (Dutta, 2014, p.236). However, it considers a broader picture than the one advanced by Dutta, where the voices of not only those who have been adversely affected by the law have been represented, but also of those who have gained something positive from it.

Based on his ethnographic research conducted in rural Odisha, Saria (2019) traces the ways in which the TPB uses the discourse of nationalism to 'justify the increased governmentalisation of hijra bodies and lives' (Saria, 2019, p.133). My findings resonate with Saria's to the extent that both indicate that the Bill has created a wedge between gays and hijras, which was a delicate relationship to begin with due to class conflicts between the two groups. Both our works suggest that the Bill that presents itself as a charter of transgender rights is in reality an oblique attack on hijras' traditional practices. Lastly, our studies indicate that through the medicalisation of the 'transgender' category, the state has attempted to increase the surveillance of hijra lives and bodies. However, my work differs from Saria's in two key respects, firstly Saria only considers hijras in his study, whereas I have examined the impact of the Bill on a range of gender nonconforming people. Secondly, beyond looking at the inconsistences in the Bill, I have examined how it goes against gender nonconforming peoples' hopes and aspirations, a theme that, to my knowledge, has not been explored in any of the contemporary works.

**Project Limitations**

While no research is without its limitations, it is precisely the awareness of these limitations that opens up avenues and prospects for future work. This study included thirty-seven participants recruited through four NGOs and a CBO in Delhi. India is a very large and diverse country. As the British economist Joan Robinson[97] famously noted, 'Whatever you can rightly say about India, the opposite is also true'. For gender nonconforming people in India, this means that whatever is taken to be some people's lived reality at a given place and time, the opposite of that can, and indeed oftentimes is true for others living under different circumstances or in a different part of the country. The data presented in this thesis focusses on gender nonconforming people in an urban, metropolitan setting, and therefore it may not be reflective of the experiences of individuals who live in the rural parts of the country. Importantly, most, if not all participants, were either working at, or were tied to an NGO and therefore their responses to the interview questions cannot be taken to speak for hijras living in *deras*. This research sample included well known activists, which enriched the project in many ways. Even so, public figures can often present a standard discourse on sexual health advocacy and transgender rights and activism (see, for example, Richards, 1996). An awareness of these sampling issues is necessary before arriving at any conclusions, particularly when considering the voices that have not been duly represented in the research.

Another limitation of the project concerns my own positionality. The fieldwork for this research was of a very sensitive nature. Even though I did not sense any reticence on the part of my participants, I have often thought about the bearings of my identity as a straight, middle-class woman on my research. In other words, it might be worth considering if my connections and, in some cases, friendships with the research participants would have been any different had I identified as a member of the 'LGBT community'; and if their responses to some of my questions would have been different under such a dynamic. My experiences of growing up in Delhi had its many advantages, the foremost of which included knowing the language, being able to make sense of the context, and doing the translations on my own. But this fact came with certain disadvantages too, including participants' assumptions that I had an understanding of certain aspects of their customs and traditions, particularly those that were offshoots of

[97] Sen, A. (2005, Nov 18). Contrary India. The Economist. http://www.economist.com/node/5133493

mainstream Hindu traditions, when, in reality, owing to my upbringing in a secular household, I did not.

My main method of data collection for this research was in-depth, one-on-one qualitative interviews. This method enabled me to glean participants' individualistic understandings of the processes of identity construction and boundary making. However, an additional focus group discussion, possibly towards the end of the fieldwork, would have given me the opportunity to understand how these processes are collectively construed and constructed through everyday dialogic exchanges between social actors. A focus group for this particular project would have entailed involving gender nonconforming people from various hierarchies of age, class, and educational level. Such an arrangement, insightful though it may have been, would have been difficult to implement because of the power structures and asymmetries between and within hijras, TGs, MSM groups. My reservation with a focus group was simply that in a group setting, senior members can exert control over the nature and course of the discussions, minimising or disregarding junior member's voices and opinions.

In Chapter Four, I examined participants' understandings of the two main gender nonconforming identities in Delhi, hijra and TG. The majority of the participants identified as TGs and considered hijras to be 'backward', 'community-bound' and of a 'controlling nature'. It must be noted here that firstly, only a few of my TG participants had lived in a *gharana* in the past, and secondly, my sample did not include a sufficient number of hijra participants who were residents of a *gharana* at the time of the fieldwork and could have provided a counter-perspective. Therefore, the aforementioned claims should only be treated as voices of NGO-going TGs. Similarly, in Chapter Five, TGs stated that they felt excluded from upper-middle-class gay circles in Delhi, and as a result, they did not think of gay men as part of their community. Since there were not enough gay participants in this study to provide first-hand data on their attitudes towards TGs and their ideas of community boundaries, the conclusions drawn here from gender nonconforming participants' ideas about community should not be generalised for other members of the LGBT acronym.

Finally, this study captures only a brief moment, observed within the span of six months, of a much larger socio-legal change for gender nonconforming people taking place in India. Participants' reactions to the TPB are likely to transform, when the Bill becomes a law and is implemented within various institutions in India. Had I conducted a study for a longer duration,

I would have been able to capture participants' transforming opinions on the Bill longitudinally on matters of identity recognition, quotas in employment and education as well as the welfare schemes contained in it.

**Avenues for Future Work**

As stated before, there has been limited scholarly research on the changes in the naming and community building practices of gender nonconforming people in India in the wake of HIV awareness programmes. Future studies might usefully examine the ways in which gender nonconforming people, through the knowledge of the changes in their environment with regards to HIV schemes, international activism and LGBT laws, find newer ways of identifying and building communities. As argued by some social constructivists, any exploration of the lives of people in what is considered to be the global south requires, first of all, an understanding of its contextual realities (see, for example, Ibarra and Adorjan, 2018; Rothmann, 2018). Such a contextual understanding is particularly needed in a place like India where the old and the new, the traditional and the modern and the urban and the rural co-exist, without necessarily infringing on or diluting each other. As the Indian author and politician Dr Sashi Tharoor (2005, p.85) notes:

> If America is a melting-pot, then to me India is a thali, a selection of sumptuous dishes in different bowls. Each tastes different, and does not necessarily mix with the next, but they belong together on the same plate, and they complement each other in making the meal a satisfying repast.

Gender nonconforming people in India struggle with the burden of stigma, both institutional and social forms. This context of stigma is produced and modulated by a combination of factors, namely class, sex work, susceptibility to HIV, and finally colonial laws around sex (Section 377) and tribal living (CTA). In most cases, as discussed earlier in the thesis, institutional and personal forms of stigma do not operate in isolation but through mutual interaction, creating infinite impasses in gender nonconforming people's 'road to emancipation' (Sircar, 2017). In the context of education, this means that while educational institutions are now open to transgenders and transgender students are able to avail affirmative action at universities, in a vast number of cases, they continue to face stigma and bullying upon accepting their offer of admission (see page 169). Future research can therefore look at stigma against gender nonconforming people in the post NALSA era, as a product of structural and

individual processes that operate in tandem, making it hard for them to come out of a deprived socio-economic stratum.

Much of the literature, including this thesis, focuses on a range of gender nonconforming people living in urban cities. It would be important to understand how naming practices, communal boundary making, and social aspirations pan out in rural areas, where the factors that lead to stigma production presumably play out differently. My recommendation, therefore, would be that future research examine these factors and tendencies in the rural population.

As I have mentioned earlier, Section 377 or India's anti-sodomy law was in operation at the time when this research was conducted. As such, participants' responses to my questions on legal reforms were guided by its presence in their lives, including their comments on communal divisions and tensions between themselves and gays. From the perspective of the participants' gay friends and acquaintances, as things stood at the time, the legal reforms were giving transgenders a new set of rights while failing to defend their sexual rights. In 2018, after the completion of my fieldwork, Section 377 was repealed unanimously by a five-judge bench of the Supreme Court. This judgement was momentous, not only from a legal perspective but also from a socio-political one. This means that now the sexual rights of gays, transgenders, lesbians and bisexuals are protected by the constitution of India and that anyone who is seen to violate them, be it an individual or an institution, is liable to punishment as decided by the court. In terms of social shifts, this means that:

- Gays and transgenders may be able to have communal bonds with each other and support each other's aspirations.
- Members of the LGBT acronym have the legal right to have partners and express their love for them. Although it is not easy to ascertain how this might play out in a society where the police have the power to apprehend, try and punish people on a whim, particularly those without any resources to seek help (see, for example, Epp, 2012).
- When the sexualities of gays, transgender, lesbians are no longer punished, the dissemination of HIV schemes may follow a slightly different trajectory. For instance, MSM and hijras living in the *gharanas*, who have so far typically engaged with HIV schemes secretively, may be able to come forward with their sexualities and join forces with TGs in carrying out outreach work.

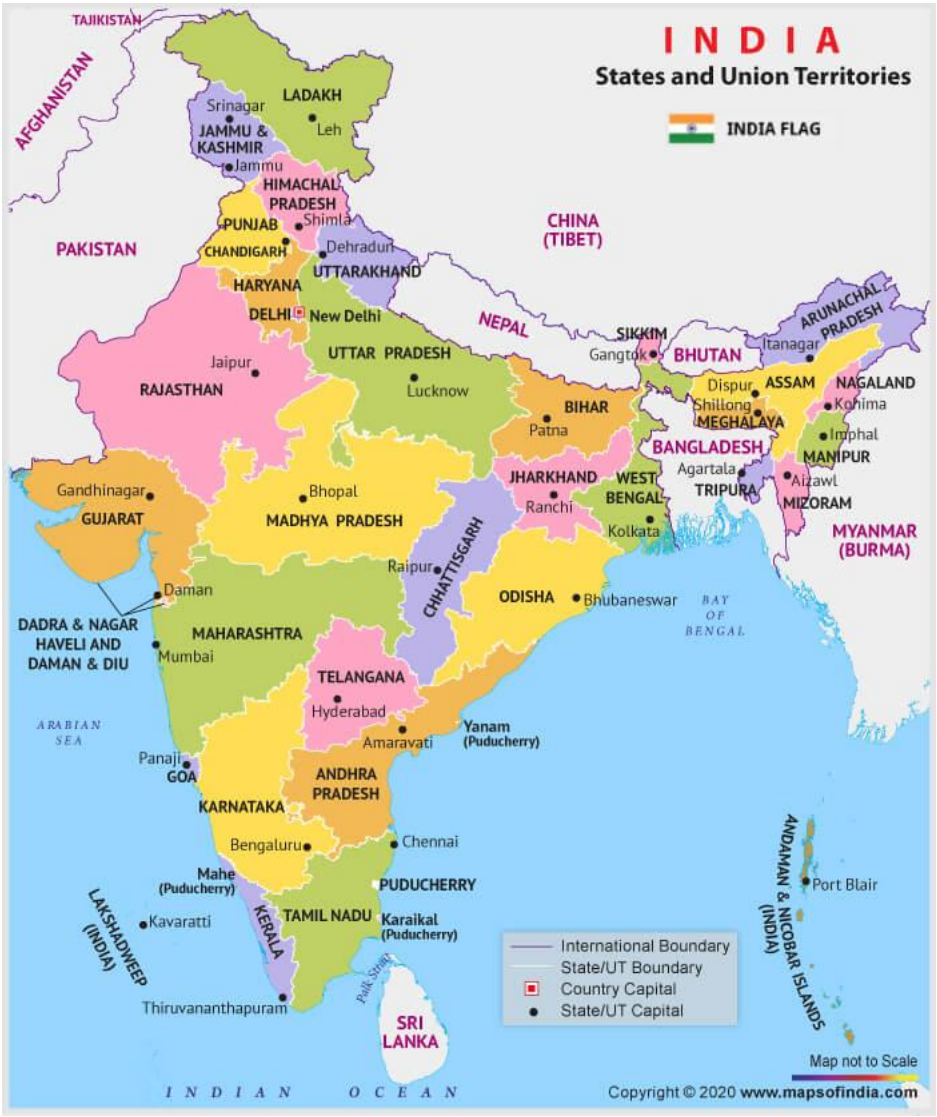
Considering all these changes, it would be interesting to know how the rescindment of Section 377 pans out in the larger context of transgender rights and the borders and bridges between transgenders and gays. Future research may also seek to understand the patterns and directions of changes in LGBT people's expressions of their sexuality and their approaches to HIV outreach.

Coming to the second aspect of the legal reforms, as has already been mentioned, this thesis captures a snapshot of the legal landscape in a fast-changing context. Participants' responses and reactions to the legal changes, whether purely emotional or more informed through their knowledge of the law, are likely to change when these changes are put into practice. Thus, I recommend research that captures the changes in gender nonconforming people's perception of the laws, along a temporal line, based on their experiences with them.

**Conclusion**

This chapter has drawn together the key findings of the research and presented them in light of important studies carried out in the field. This work contributes to the literature by offering a sociological account of how gender nonconforming subjectivities are constructed in urban India and how they are operationalised to create communal bonds and carry out activism. This is an important area of work and has the potential to bring to light important revelations about the social construction of gender nonconforming selves in the fast-evolving legal and social landscape of the Non-Western world.

## Appendix A: Maps




**Map of India**
Source: https://www.mapsofindia.com/


**Map of Delhi**
Source: https://commons.wikimedia.org/wiki/File:Delhi_map.PNG


**Map of the National Capital Region (NCR)**
Source:
https://en.wikipedia.org/wiki/National_Capital_Region_(India)#/media/File:National_Capital_Region_(India).svg

**Appendix B: Interview Guide**

**I. Have the meanings and usages of the term 'hijra' changed over time? Why (if changed) and in what ways? Why do Indian gender nonconforming people use 'Western' categories like transgender or TG to identify? Under what circumstances do they use 'Western' labels? What has been the impact of new categories of self-identification on communal relationships? How do participants define/describe the legal category of 'third gender'?**

1. What does the term 'hijra' mean to you? Do you think most hijras would agree with your definition?

2.a. Do others see you as a hijra? What do you think it means to them?

b. How do you want to be perceived by others? What would you like them to call you?

3. a. In your view, who is a 'third gender'?

b. Would you describe yourself as a 'third gender'? If yes, under what circumstances? When was the last time you referred to yourself as a 'third gender'? And where? How does it make you feel?

4.a. Some might say that TG and/or transgender are 'Western' terms. How do you feel when you use them? Why do you use them? Where did you hear the term 'transgender' for the first time?

b. When and where was the last time you called yourself a hijra? Are there occasions you would not think of calling yourself a TG? How do you feel when someone calls you a hijra? What would you like to say to them?

c. What do you gain or lose by calling yourself a TG – at your CBO /NGO, with activists, among your hijra family members, among your non-hijra friends?

**II. What role does the *gharana* play in a hijra's life? Is the *gharana* a source of strength and support to the hijras? How? Do hijras across all ages and hierarchies get the same support from their *gharanas*? Are there limits to the support they can get? What are might they be?**

1. a. How has your life changed after coming in contact with other gender nonconforming people? Who is community to you? Lesbians, Gays, Bisexual people, other TGs, hijras? What about MSM?

b. In your view, who joins a hijra family and why? How does a hijra family support its members in terms of pastoral care, friendship, sex education, conflict resolution, lending money, clothes etc.

c. What kind of demands can hijras make of their family members?

d. What kind of demands can they make of their *guru* (teacher)?

2. a. What does it mean to be a good hijra? How do you give back to your hijra family? What if someone did not do those things?

b. How is a *guru* chosen? In your view, what are the qualities of a good *guru*?

3. Do you live with members of your hijra family? Why? Why not?

4. Can you give me a sense of what it like to live in a hijra family? Moments of happiness, joy? Difficult times in the *gharana*? Division of labour? Support from *gharana* in difficult times?

5. a. Do you feel all hijras face the same extent of discrimination? Why? Why not?

b. Do you feel all hijras get the same support and help from their *gharana*? Why? Why not? Age, hierarchy etc.

**III. How are CBOs organised? What has been their impact in the lives of gender nonconforming people? Whom do gender nonconforming people think of as their allies? Do CBOs and *gharanas* share a good relationship? Are they equally effective in empowering gender nonconforming people? Do gender nonconforming people seek to gain global visibility – what does it mean to them?**

1.a. When did you find out about CBOs? Who told you about them? What did they tell you? How did that make you feel?

b. How did you obtain membership at your CBO? What was your first day like?

c. How often do you visit the CBO? How involved are you in its activities?

2.a. Why do you go to your CBO? Feel supported, sense of validation 'I am not the only one'.

b. How does it support you?

c. What else do you think your CBO could offer you?

3.a. What do you think is making it possible for gender nonconforming people to join CBOs these days?

b. What are the reasons that might prevent them from joining a CBO? Could you give me an instance in which someone you know has voiced some doubts about CBOs?

4. a. What does a typical day at your CBO look like?

b. Do you think other CBOs function differently? If yes, in what ways?

5. Other than their CBOs, in your opinion, where are gender nonconforming people likely to seek help – if someone made an insensitive remark on the street, if a doctor refused medical treatment, if their family (biological) said insensitive things to them?

6. a. Has there been any change in what you call yourself before and after joining the CBO? vis-à-vis your friends, family, people at the CBO, activists and social workers, at work? Why?

b. Has there been a change in how you dress and present yourself since you joined the CBO? Why?

7. Do members of your CBO take part in Delhi Pride March? How does it benefit the hijras? What other marches do you go on?

8. Does your CBO work with transnational bodies, LGBTQ and feminist organisations? If yes, how and why? What are the pros and cons?

**IV. Gender nonconforming people's past, present and future – What challenges do gender nonconforming people face in their lives? How does their relationship with their deity help in overcoming these challenges? Do gender nonconforming people seek to preserve their culture? What challenges do they face in this? Has the legal recognition of the 'third gender' given them their fundamental rights? In what ways could it bring about further improvements to their lives? What hopes do gender nonconforming people have for their future?**

1. a. What challenges do you face in your life? What are your hopes for the future?

b. Do you know of any 'third gender' god(s)? If yes, could you tell me a story/ myth about them?

c. Do you worship them? If yes, do you think they bestow upon gender nonconforming people certain powers that members of mainstream society do not possess? Do they help you find hope?

2. a. The Supreme Court gave transgender people the status of 'third gender' in April 2014? Do you know about this law? What do you know?

b. What are your views on the law? How might/might not it help you?

c. Do you feel that the law can bring about a change in the way gender nonconforming people are treated by society at large? If yes, how?

d. Are there any criticisms to the law that you are aware of?

3. a. What has the government done with regard to protecting the rights of and delivering social justice to the 'third gender'?

b. According to you what more needs to be done?

3. Do you think society's perception has somewhat changed after the legal recognition of the 'third gender' category? In what ways? What has not changed?

4. In your view, what effect has the 'third gender' category had on gender nonconforming people' public dealings? Seeking medical care, employment opportunities, help from the police, attitude of people at work?

5. a. What are your hopes for the future? What kind of challenges do you think lie ahead of you?

b. In your view, should hijras continue to perform at ceremonies and/or doing sex work even if the prospect of mainstream employment seems more attainable? Why? Why not? What impact would that have on hijra's identity and their *gharana*?

**Questions for the counsellors at the CBO – pertaining to recruitment of new hijras, fundraising and media strategies, and forms of political organisation, solidarity networks and activism?**

1. a. How are councillors recruited at the CBO?

b. What are their key roles? Recruitment of hijras, media strategies?

2. a. What are the key political demands of the gender nonconforming people?

b. How does your CBO obtain funding? (transnational, national and corporate philanthropy bodies) What are their key expectations?

c. How does your CBO negotiate the two? How, would it resolve a conflict of interest between them?

3. a. Does your CBOs liaise with other LGBTQ organisations? How? Which ones? What are the pros and cons? Who you think are your allies?

b. Does your CBOs liaise with other feminist organisations? How? Which ones? What are the pros and cons?

**Appendix C: Participant Information**

The following table depicts participants' name, age, qualifications and the organisation at which they were interviewed for this research.

| Name and Identity Category | Age | Qualifications | NGO/CBO where interviewed |
|---|---|---|---|
| 1. Baby (TG) | 23 | High school graduate | Basera |
| 2. Rani (TG) | 29 | Secondary school drop-out | Basera |
| 3. Priya (TG) | 23 | College drop-out | Basera |
| 4. John (Gay/TG) | 35 | College drop-out | Basera |
| 5. Precious (Hijra) | 45 | Never went to school | Basera |
| 6. Silky (TG) | 22 | High school graduate | Basera |
| 7. Kaveri (TG) | 22 | High school graduate | Basera |
| 8. Sundar (MSM/TG) | 24 | College graduate | Basera |
| 9. Bella (Kinnar/Hijra) | 35 | College graduate | Basera |
| 10. Joan (Hijra) | 19 | Secondary school drop-out | Basera |
| 11. Nelly (TG) | 26 | High school drop out | Basera |
| 12. Nisha (MSM/TG) | 24 | Diploma in fashion designing | Basera |
| 13. Cora (TG) | 25 | High school drop out | Basera |
| 14. Preeti (TG) | 25 | High school graduate | Basera |
| 15. Benny (MSM/TG) | 19 | Currently in high school | Basera |
| 16. Sadia (TG) | 20 | Never attended school | Dera |
| 17. Wadia (Kinnar/TG) | 40 | Never attended school | Dera |
| 18. Rudy (Gay) | 26 | Goes to college | Basera |
| 19. Moira (TG) | 24 | High school graduate | Naz Foundation |

| | | | |
|---|---|---|---|
| 20. Daniel (Gay) | 29 | PhD | Café |
| 21. Seema (Hijra) | 39 | College graduate | HIV Alliance |
| 22. Arya (Hijra) | 40 | College graduate | HIV Alliance |
| 23. Salma (TG) | 25 | Attended secondary school | Basera |
| 24. Prakash (MSM) | 25 | High school graduate | Basera |
| 25. Mahi (TG) | 22 | High school graduate | Basera |
| 26. Nataliya (TG) | 28 | High school graduate | Basera |
| 27. Molly (TG) | 22 | Student at an engineering college | Basera |
| 28. Dolly (Gay/TG) | 32 | High school graduate | Basera |
| 29. Dalia (Kinnar/TG) | 26 | High school graduate | Basera |
| 30. Prachi (Hijra) | 40 | College graduate | Humsafar Trust |
| 31. Bonny (MSM/Gay) | 31 | College graduate | Humsafar Trust |
| 32. Tuli (TG) | 24 | High school graduate | Basera |
| 33. Misha (Gay/TG) | 26 | High school graduate | Basera |
| 34. Shreya (Queer) | 23 | Postgraduate | Nazariya |
| 35. Pallavi (Queer) | 36 | Postgraduate | Nazariya |
| 36. Palak (TG) | 27 | High school graduate | Basera |
| 37. Rahul (MSM/Gay) | 24 | High school graduate | Basera |

## Appendix D: Information Sheet

Newcastle University

School of Geography, Politics and Sociology

Newcastle University
5th Floor Claremont Tower
Claremont Road
Newcastle upon Tyne
NE1 7RU United Kingdom

Professor W Maloney
Head of School

**Being a 'Third Gender' in Delhi**
**Information Sheet**

Thank you for your interest in this research on discriminatory practices and social support networks of the hijra community in Delhi. Before you decide whether to take part in this research or not, it is important that you understand why the research is being conducted and what it entails. Please read the information sheet carefully and discuss it with your peers if you wish. Please do not hesitate to contact me if anything is unclear, or if you require more information.

**Who is the researcher and what is the research about?**

I am Ankita Mukherjee a PhD researcher in the Department of Geography, Politics and Sociology at Newcastle University, UK. I am undertaking this fieldwork as a part of my PhD research. Using in-depth interviews, I examine hijras' two main social support systems – their community-based organisations (CBOs) and their hijra family. Two foci are of particular interest: (1) the sources of CBOs' growth and increased political influence, especially their recruitment of new hijra members, fundraising, media strategies, and forms of political organisation and activism, and (2) hijras' collective responses to discrimination and marginalisation using their kinship-based groups (the hijra family).

**Who can take part in the research?**

Anybody who identifies as a hijra between the ages of 18 – 60 living in the National Capital Region (Delhi, Gurgaon, Noida, Faridabad, Ghaziabad) can participate in the research.

**When are the interviews scheduled for?**

About 30 interviews will be conducted over a span of four months (October 2017 - January 2018) at your CBO. The interviews should run for an hour and a half each.

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The University of Newcastle upon Tyne trading as Newcastle University

**What will be involved in the research?**

I will provide information about the study and give an opportunity for questions at the briefing session. We will also collectively agree on some ground rules for the interviews (for example being respectful and considerate). The interviews will take place only during the working hours of the CBO i.e. between 9 AM – 5 PM. Please be assured that I will not be holding you after 5 PM. The interviews will take place at a place where you feel safe, such as the NGO/CBO headquarter or any other place where you feel more comfortable, safe and relaxed such as an office space in a hotel. You will be served refreshments after the interview. During this time, you can talk to me about your experience of being interviewed and also pitch your suggestions for future interviews.

**Will my taking part in this study be kept confidential?**

Yes. All information pertaining to your identity will be kept strictly confidential. All audio recordings will be destroyed at the end of the research. I will be transcribing (typing up) and translating the interviews (to English) and your name will not be recorded on the interview transcripts. Your participation will not be discussed with others outside my supervisory team (who will not be informed of your personal details). Your names and identifiable details will be changed, and I will ensure that your involvement remains anonymous.

**What will happen to the results of the study?**

The information you provide will be analysed and anonymous quotes will be used in my PhD thesis. Please be assured that anonymity and confidentiality will be in place if the study is presented at conferences and used in future publications.

**Can I withdraw from the research if I don't wish to continue?**

Participation is entirely voluntary and you can withdraw from the interview, without needing to explain why. Please do not to hesitate to let me know if you are not comfortable with any aspect of the research including the questions I ask.

**What are the potential risks in participating in the research?**

The risks of participating in interviews on this topic centre on the potential of becoming distressed by a particular question (e.g., if a question reminds you of an agonising experience). If you feel distressed as a result of participating in the interview please don't hesitate to let me know. Alternatively, you can get in touch with one of the councillors at HIV Alliance.

If you have any questions about this research please feel free to contact me:

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## Appendix E: Consent Form

Newcastle University

School of Geography, Politics and Sociology

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Professor W Maloney
Head of School

**Being a 'Third Gender' in Delhi**
**Participant Consent Form**

I, the undersigned, confirm that (please tick box as appropriate):

1. I voluntarily agree to participate in the project. Yes/ No
2. I have read and understood the information about the project, as provided in the information sheet. Yes/ No
3. I have been given an opportunity to ask questions and discuss the study. Yes/ No
4. I can confirm that procedures such as anonymization, confidentiality and safe data handling have been explained to me. Yes/ No
5. I understand that the interviews will be audio recorded and the audio files will only be accessible only to the researcher. Yes/ No
6. I understand that the audio will be transcribed (typed up) and translated by the researcher and that all potentially identifying information will be removed. Yes/ No
7. I understand that the data collected for this study will be safely stored in the researcher's password protected computer and in the School of Geography, Politics and Sociology at Newcastle University. Yes/ No
8. I understand that in the publication of this research, my anonymity will be preserved and I will not be identifiable in any way. Yes/ No
9. I understand that I can withdraw from the interview, without needing to give a reason. Yes/ No

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Signature of participant_____

Name (in capitals)_____Date_____

Signature of researcher _____

Name (in capitals)_____ Date _____

If you have any questions about this research please feel free to contact the researcher.

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**Bibliography**


Acker, S. (2000). In/out/side: Positioning the researcher in feminist qualitative research. *Resources for feminist research*, *28*(1-2), 189-210.

Ahmed, U., Yasin, G., & Umair, A. (2014). Factors affecting the social exclusion of eunuchs (hijras) in Pakistan. *Mediterranean Journal of Social Sciences*, *5*(23), 2277.

Agrawal, A. (1997). Gendered bodies: the case of the 'third gender' in India. *Contributions to Indian Sociology*, *31*(2), 273-297.

Alase, A. (2017). The interpretative phenomenological analysis (IPA): A guide to a good qualitative research approach. *International Journal of Education and Literacy Studies*, *5*(2), 9-19.

Al Baset, Z. (2012). Section 377 and the myth of heterosexuality. *Jindal Global Law Review*, 4(1), 89-387.

Anderson, B. (2020). Imagined communities: reflections on the origin and spread of nationalism. In *The new social theory reader* (pp. 282-288). Routledge.

Anderson, E. (2011). *The cosmopolitan canopy: Race and civility in everyday life*. New York, NY: W. W. Norton & Company.

Atkinson, P., Coffey, A. and Delamont, S. (2003). *Key themes in qualitative research: continuities and changes.* Walnut Creek, CA: AltaMira Press.

Atluri, T. (2012). The prerogative of the brave: Hijras and sexual citizenship after orientalism. *Citizenship Studies*, *16*(5-6), 721-736.

Azad, S. A. K., & Nayak, P. K. (2016). Health care barriers faced by LGBT people in India: An investigative study. *Research Innovator*, *3*(5), 77-82.

Aziz, A., & Azhar, S. (2019). Social exclusion and official recognition of Hijra in Bangladesh.

Azhar, S. (2019). Recent changes in gender and sexuality policy in India: A postcolonial analysis. *ICGR 2019 2nd international conference on gender research*. 51-58.

Bakshi, S. (2004). A comparative analysis of hijras and drag queens: The subversive possibilities and limits of parading effeminacy and negotiating masculinity. *Journal of Homosexuality*, *46*(3-4), 211-223.

Basheer, S., Mukherjee, S., & Nair, K. (2009). Section 377 and the 'order of nature': Nurturing 'indeterminacy' in the law? *NUJS L. Rev.*, *2*, 433-443.

Bauman, Z. (2001). Identity in the globalising world. *Social anthropology*, *9*(2), 121-129.

Bedi, J. (2019). *English language in India: A dichotomy between economic growth and inclusive growth*. Taylor & Francis.

Berger, P. L. & Luckmann, T. (1967 [1966]). *The social construction of reality: A Treatise in the sociology of knowledge.* London: Penguin.

Besnier, N. (1997). Sluts and superwomen: The politics of gender liminality in urban Tonga. *Ethnos*, *62*(1-2), 5-31.

Bhabha, H. K. (1995). *Cultural diversity and cultural differences*. na.

Bhambra, G. (2014a). *Connected sociologies*. London, UK: Bloomsbury.

Bhambra, G. (2014b). A sociological dilemma: Race, segregation and US sociology. *Current Sociology*, *62*, 472–492.

Bhan, G. (2014). Moving from 'giving back'to engagement. *Journal of Research Practice*, *10*(2), 14.

Bhaskaran, S. (2004). *Made in India: Decolonizations, queer sexualities, trans/national projects*. Springer.

Bhattacharya, S. (2019). The transgender nation and its margins: The many lives of the law. *South Asia Multidisciplinary Academic Journal*, *20.*

Bhattacharya, S., & Ghosh, D. (2020). Studying physical and mental health status among hijra, kothi and transgender community in Kolkata, India. *Social Science & Medicine*, *265*, 113412.

Billard, T. J., & Nesfield, S. (2020). (Re)making "transgender" identities in global media and popular culture. In J. M. Ryan (Eds.), *Trans lives in a globalizing world* (pp. 66-89). Routledge.

Blackwood, E. (2005). Transnational sexualities in one place: Indonesian readings. *Gender & Society*, *19*(2), 221-242.

Blake, K. M. (2009). *A contemporary feminist critique of psychoanalysis through Gilles Deleuze and Felix Guatarri*. Rutgers The State University of New Jersey-New Brunswick.

Boellstorff, T. (2011). But do not identify as gay: A proleptic genealogy of the MSM category. *Cultural Anthropology*, *26*(2), 287-312.

Bose, B. (2020). Hijra intimacies and inheritances. *Stories of desire-sexualities and culture in modern India*, 189-209.

Bouchard, J.W. (2010). India. In C. Stewart (Eds.), *The Greenwood Encyclopaedia of LGBT Issues Worldwide.* Santa Barbara, CA, Denver, CO and Oxford: Greenwood Press.

Boyce, P. (2007). 'Conceiving kothis': Men who have sex with men in India and the cultural subject of HIV prevention. *Medical Anthropology*, *26*(2), 175-203.

Boyce, P., & Khanna, A. (2011). Rights and representations: Querying the male-to-male sexual subject in India. *Culture, health & sexuality*, *13*(1), 89-100.

Brablec Sklenar, D. A. (2018). Relational goods and endurance of voluntary associational participation: The Mapuche indigenous case in Santiago de Chile.

Brickell, C. (2006). A symbolic interactionist history of sexuality, *Rethinking History, 10*(3), 415-432.

Brubaker, R., & Cooper, F. (2000). Beyond "identity". *Theory and Society, 29*(1), 1-47.

Bryman, A. (2012). *Social Research Methods* (4th ed). New York: Oxford University Press.

Bubb, A. (2009). Blustering sahibs and section 377. *Economic and Political Weekly*, *44*(35), 25–28.

Bullough, V. L. (1976). Homosexuality and the medical model. *Journal of Homosexuality*, 1(1), 99-110.

Butler, J. (1990). *Gender trouble: Feminism and the subversion of identity*. London: Routledge.

Butler, J. (1993). *Bodies that Matter: On the discursive limits of 'sex'.* London: Routledge.

Calhoun, C. (1994). Social theory and the politics of identity.

Caouette, D. (2007). Going transnational?: Dynamics and challenges of linking local claims to global advocacy networks in Southeast Asia. *Pacific Focus, 22*(2), 141-166.

Carstairs, G.M. (1956). Hinjra and jiryan: Two derivatives of Hindu attitudes to sexuality. *British Journal of Medical Psychology, 29,* 128-138.

Castells, M., & Cardoso, G. (1996). *The network society*. Oxford: Blackwell.

Chakrapani, V., Babu, P., & Ebenezer, T. (2004). Hijras in sex work face discrimination in the Indian health-care system. *Research for Sex Work, 7*, 12-14.

Chakrapani, V., Newman, P. A., Shunmugam, M., McLuckie, A., & Melwin, F. (2007). Structural violence against kothi–identified men who have sex with men in Chennai, India: A qualitative investigation. *AIDS Education & Prevention*, *19*(4), 346-364.

Chakrapani, V., & Ramakrishnan, L.R. (2009). In R. Ochs & S. Rowley (Eds.), *Getting Bi: Voices of Bisexuals from around the World.* Boston, MA: Bisexual Resource Centre.

Chatterjee, H. (2021). Bodies in Transition: Exploring Queer Sexualities in Indian Cinema. *Sanglap: Journal of Literary and Cultural Inquiry*, *7*(2), 95-119.

Chávez, K. R. (2010). Border (in) securities: Normative and differential belonging in LGBTQ and immigrant rights discourse. *Communication and Critical/Cultural Studies, 7*(2), 136-155.

Chettiar A. (2015). Problems faced by hijras (male to female transgenders) in Mumbai with reference to their health and harassment by the police. *International Journal of Social Science and Humanity*, 5(9), 752.

Clements-Nolle, K., Marx, R., & Katz, M. (2006). Attempted suicide among transgender persons: The influence of gender-based discrimination and victimization. *Journal of homosexuality*, *51*(3), 53-69.

Coffey, A., & Atkinson, P. (1996). *Making sense of qualitative data: Complementary research strategies*. Sage Publications, Inc.

Cohen, A.P. (1985) *The symbolic construction of community.* Chichester: Ellis Horwood.

Cohen, A. P. (2013). The *symbolic construction of community*. Routledge.

Cohen, L. (1995). The Pleasures of castration: The postoperative status of hijras, jankhas and academics. *Sexual Nnoyature/Sexual Culture.*

Cohen, L. (2005). The Kothi Wars: AIDS Cosmopolitanism and The Morality of Classification'. In V. Adams & S. L. Pigg (Eds.*), Sex in development: Science, sexuality, and morality in global perspective* (pp. 269-303). Durham and London: Duke University Press.

Cohn, S. B. (1996). *Colonialism and its forms of knowledge*. Princeton.

Coleman-Fountain, E. (2011). *Making sexual selves: A qualitative study of lesbian and gay youth* [Doctoral dissertation, Newcastle University]. Newcastle University Research Repository. https://ethos.bl.uk/OrderDetails.do?uin=uk.bl.ethos.540385

Correa, S. and Muntarbhorn, V., 2007. The Yogyakarta Principles: Principles on the application of international human rights law in relation to sexual orientation and gender identity. Available from: http://www.yogyakartaprinciples.org/principles_en.htm [accessed 1 November 2007].

Coulshed, V., & Orme, P. (2006). *Practice of social work.*

Das, R. (2015). Representation and categorization: Understanding the Hijra and transgender identities through personal narratives. *Rupathka Journal on Interdisciplinary Studies in Humanities, 7,* 196-205.

Dave, N. N. (2011). Activism as ethical practice: Queer politics in contemporary India. *Cultural Dynamics*, *23*(1), 3-20.

Dave, N. N. (2012). *Queer activism in India: A story in the anthropology of ethics*. Duke University Press.

De Boxi, C. (2018). Being transgender within heteronormative society: A study of the autobiographies of A. Revathi and Laxmi Narayan Tripathi. *Middle Flight. 7*(1), 149-158.

Delanty, G. (2003). Citizenship as a learning process: Disciplinary citizenship versus cultural citizenship. *Int. of Lifelong Education*, *22*(6), 597-605.

D'Emilio, J. (1983). *Sexual politics, sexual communities.* London: The University of Chicago Press.

Denzin, N. (1992). *Symbolic interactionism and cultural studies: The politics of interpretation.* Oxford: Blackwell.

Desmond, M. (2012). Disposable ties and the urban poor. *American Journal of Sociology*, *117*(5), 1295-1335.

Dhall, P., & Boyce, P. (2015). *Livelihood, exclusion and opportunity: socioeconomic welfare among gender and sexuality non-normative people in India* (No. IDS Evidence Report; 106). IDS.

Diehl, A., Vieira, D. L., Zaneti, M. M., Fanganiello, A., Sharan, P., Robles, R., & de Jesus Mari, J. (2017). Social stigma, legal and public health barriers faced by the third gender phenomena in Brazil, India and Mexico: Travestis, hijras and muxes. *International Journal of Social Psychiatry*, *63*(5), 389-399.

Dirks, B. N. 2001. *Castes of Mind: Colonialism and the Making of Modern India.* New Delhi.

Doniger, W. (2004). Self-impersonation in world literature. *The Kenyon Review*, *26*(2), 101-125.

Douglas, M. (1996). *Thought styles: critical essays on good taste*. Sage.

Dutoya, V. (2016). Defining the "queers" in India: The politics of academic representation. *India Review*, *15*(2), 241-271.

Dutta, A. (2012). An epistemology of collusion: Hijras, kothis and the historical (dis) continuity of gender/sexual identities in eastern India. *Gender & History*, *24*(3), 825-849.

Dutta, A. (2013). Legible identities and legitimate citizens: The globalization of transgender and subjects of HIV-AIDS prevention in Eastern India. *International Feminist Journal of Politics*, *15*(4), 494-514.

Dutta, A., & Roy, R. (2014). Decolonizing transgender in India: Some reflections. *Transgender Studies Quarterly*, *1*(3), 320-337.

Dutta, A. (2019). Dissenting Differently: Solidarities and Tensions between Student Organizing and Trans-Kothi-Hijra Activism in Eastern India. *South Asia Multidisciplinary Academic Journal*, (20).

Dwivedi, V. (2016). Hijra Autobiographies: Trauma, discrimination and social exclusion in India. *Research Scholar*, *4*, 46-53.

Dwyer, S. C., & Buckle, J. L. (2009). The space between: On being an insider-outsider in qualitative research. *International journal of qualitative methods*, *8*(1), 54-63.

El Bernoussi, Z. (2014). Book review: Partha Chatterjee, Lineages of Political Society. *Studies in Postcolonial Democracy*, *29*(2),133-135.

Epstein, D. (1994) *Challenging lesbian and gay inequalities in education*. Buckingham: Open University Press.

Fee, A. (2010). Who Put the 'Hetero'in Sexuality?. In S. Hines & T. Sanger (Eds.), *Transgender identities* (pp. 221-237). Routledge.

Finch, J. (1987). The vignette technique in survey research. *Sociology*, *21*(1), 105-114.

Finlinson, H. A., Colon, H. M., Robles, R. R. and Soto, M. 2006. Sexual identity formation and AIDS prevention: An exploratory study of nongay-identified Puerto Rican MSM from working class neighborhoods. *AIDS and Behavior, 10,* 531–539.

Fossey, E., Harvey, C., McDermott, F., & Davidson, L. (2002). Understanding and evaluating qualitative research. *Australian & New Zealand Journal of Psychiatry*, *36*(6), 717-732.

Foucault, M. (1990 [1978]) *The history of sexuality: The will to knowledge, Vol. I,* London: Penguin.

Foucault, M., Davidson, A. I., & Burchell, G. (2008). *The birth of biopolitics: Lectures at the Collège de France, 1978-1979*. Springer.

Fox, R. (2000). Bisexuality in perspective: A Review of Theory and Research. In B. Greene & G. L. Croom (Eds.), *Education, research, and practice in lesbian, gay, bisexual, and transgendered psychology: A resource manual* (pp.161-206). Sage Publications.

Freeman, J. M. (1979). *Untouchable: An Indian life history*. Stanford University Press, Stanford.

Fylan, F. (2005). Semi-structured interviewing. In J. Miles & P. Gilbert (Eds.), *A handbook of research methods for clinical and health psychology* (pp. 65–77). New York: Oxford University Press.

Gagnon, J. H., & Simon, W. (1968). The social meaning of prison homosexuality. *Fed. Probation*, *32*, 23.

Gagnon, J. H., & Simon, W. (1973). *Sexual conduct: The social sources of human sexuality*. Routledge.

Gagnon, J. (2004). *An interpretation of desire: Essays in the study of sexuality*. University of Chicago Press.

Ganguly, S. (2019). India under Modi: Threats to pluralism. *Journal of democracy*, *30*(1), 83-90.

Gewanter, D. S. (1991). *Thomas Hardy, WB Yeats, and Robert Lowell: The imitated voice*. University of California, Berkeley.

Ghai, D. (2006). *Decent work: Objectives and strategies.* Geneva, ILO.

Ghaziani, A. (2011). Post-gay collective identity construction. *Social Problems*, *58*(1), 99-125.

Ghaziani, A. (Ed.). (2014). *There Goes the Gayborhood?*. Princeton University Press.

Ghaziani, A. (2015). Gay enclaves face prospect of being passé: How assimilation affects the spatial expressions of sexuality in the United States. *International Journal of Urban and Regional Research*, *39*(4), 756-771.

Ghosh, B. (2016). The institution of "motherhood" among of the hijras of Burdwan. *Motherhood—Demystification and Denouement*.

Ghosh, B. (2022). State, citizenship and gender-variant communities in India. *Citizenship Studies*, *26*(2), 127-145.

Gibson, K. S. (2018). *Feeding the middle classes: Taste, classed identity and domestic food practices* [Doctoral Dissertation, Newcastle University]. Newcastle University Research Repository. https://theses.ncl.ac.uk/jspui/handle/10443/4168

Glaser, B. (1978). *Theoretical Sensitivity*. California: Sociology Press.

Goel, I. (2018). What Does it Mean to be a Hijra Mother?. *Economic and Political Weekly*, *53*(8).

Goffman E. (1963). *Stigma: Notes on the management of spoiled identity.* Englewood Cliffs, NJ: Prentice Hall

Goodwin, J., Jasper, J., & Polletta, F. (2000). The return of the repressed: The fall and rise of emotions in social movement theory. *Mobilization: An International Quarterly*, *5*(1), 65-83.

Gosine, K. (2008). Living between stigma and status: A qualitative study of the social identities of highly educated black Canadian adults. *Identity: An International Journal of Theory and Research*, *8*(4), 307-333.

Grewal, I., & Kaplan, C. (2001). Global identities: Theorizing transnational studies of sexuality. *GLQ: A journal of lesbian and gay studies*, *7*(4), 663-679.

Grosclaude, J. (2014). From Bugger to Homosexual: The English sodomite as criminally deviant (1533-1967). *French Journal of British Studies*, *9*(1), 31-46.

Gruen, L., & Panichas, G. E. (Eds.). (1997). *Sex, morality, and the law*. Psychology Press.

Grzanka, P. R., Adler, J., & Blazer, J. (2015). Making up allies: The identity choreography of straight LGBT activism. *Sexuality Research and Social Policy*, *12*(3), 165-181.

Gupta A (2005) Englishpur ki Kothi: Class dynamics in the queer movement in India. In A Narrain & G Bhan (Eds.), *Because I have a voice: Queer politics in India* (pp. 123–142). New Delhi: Yoda Press.

Haider, S.K., & Bano, M. (2006). Fallacy about male-to-female gender dysphorics in Pakistan. *Pakistan Journal of Psychology*, *37*(2), 45-60.

Hall, K. (1997). Go suck your husband's sugarcane! Hijras and the use of sexual insult. In A. Livia & K. Hall (Eds.), *Queerly Phrased: Language, gender and sexuality* (pp. 430-460).

Hancock, A. M. (2004). *The politics of disgust: The public identity of the welfare queen*. NYU Press.

Harrison, J., MacGibbon, L., & Morton, M. (2001). Regimes of trustworthiness in qualitative research: The rigors of reciprocity. *Qualitative inquiry*, *7*(3), 323-345.

Hatzenbuehler, M. L., & Link, B. G. (2014). Introduction to the special issue on structural stigma and health. *Social Science & Medicine*.

Hazarika, P. (2020). The Quest to Reclaim the Lost Status of Hijras in India: A Reading of Living Smile Vidya's I Am Vidya: A Transgender's Journey and A. Revathi's The Truth About Me: A Hijra Life Story. *New Literaria*, *1*(2), 230-239.

Hennessy, R. (2006). The Value of a Second Skin. In D. Richardson, J. McLaughlin & M.E. Casey (Eds.), *Intersections between Feminist and Queer Theory* (pp. 116–35). Basingstoke: Palgrave.

Herek, G. M. (2007). Confronting sexual stigma and prejudice: Theory and practice. *Journal of social issues*, *63*(4), 905-925

Hill, C., Knox, S., Thompson, B., Williams, E., Hess, S., & Ladany, N. (2005). Consensual qualitative research: An update. *Journal of Counseling Psychology*, *52*(2), 196-205.

Hill Collins, P. (2010). The new politics of community. *American sociological review*, *75*(1), 7-30.

Hiltebeitel, A. (1980). Śiva, the goddess, and the disguises of the Pāṇḍavas and Draupadi. *History of Religions*, *20*(1/2), 147-174.

Hinchy, J. (2014). The Sexual Politics of Imperial Expansion: Eunuchs and Indirect Colonial Rule in Mid-Nineteenth-Century North India. *Gender & History*, *26*(3), 414-437.

Horton, B. A. (2018). What's so ‘queer' about coming out? Silent queers and theorizing kinship agonistically in Mumbai. *Sexualities,* 21(7), 1059–1074.

Hossain, A. (2012). Beyond emasculation: Being Muslim and becoming hijra in South Asia. *Asian Studies Review*, *36*(4), 495-513.

Hossain, A. (2017). The paradox of recognition: hijra, third gender and sexual rights in Bangladesh. *Culture, Health & Sexuality*, *19*(12), 1418-1431.

Hossain, A. (2018). De-Indianizing Hijra: Intraregional effacements and inequalities in South Asian queer space. *Transgender Studies Quarterly*, *5*(3), 321-331.

Hossain, A. (2020). Hijras in South Asia: Rethinking the dominant representations. *The SAGE Handbook of Global Sexualities*, *1*, 404-421.

Inch, E. (2016). Changing minds: the psycho-pathologization of trans people. *International Journal of Mental Health*, *45*(3), 193-204.

Inden, R. (1992). *Imagining India. New Delhi:* Oxford University Press.

Ingraham, C. (1994). The heterosexual imaginary: Feminist sociology and theories of gender, *Sociological Theory, 12*(2), 203–19.

Ingraham, C. (Ed.). (2005). *Thinking Straight: The Power, the promise, and the paradox of heterosexuality*. New York: Routledge.

Jackson, S. (1978) *On the social construction of female sexuality*. London: Women's Research and Resources Centre Publications.

Jackson, S. (1999). Feminist sociology and sociological feminism: Recovering the social in feminist thought', *Sociological Research Online, 4*(3)

Jackson, S. (2006b). Interchanges: Gender, sexuality and heterosexuality: The complexity (and limits) of heteronormativity', *Feminist Theory, 7*(1), 105-121.

Jackson, S. (2007). The sexual self in late modernity. In M. Kimmel (Ed.), *The Sexual Self: The Construction of Sexual Scripts* (pp: 3-15). Nashville, TN: Vanderbilt University Press.

Jackson, S., & Scott, S. (2010). *Theorizing Sexuality*. UK: McGraw-Hill Education.

Jain, D. (2017). Shifting subjects of state legibility: Gender minorities and the law in India. *Berkeley J. Gender L. & Just., 32*, 39.

Jain, D. (2020). Law-Making by and for the People: A case for pre-legislative processes in India. *Statute Law Review, 41*(2), 189-206

Jasper, J. M. (2010). Cultural approaches in the sociology of social movements. In B. Klandermans, & C, Roggeband (Ed.), *Handbook of social movements across disciplines* (pp. 59-109). Boston, MA: Springer.

Jenkins, N., Bloor, M., Fischer, J., Berney, L., & Neale, J. (2010). Putting it in context: the use of vignettes in qualitative interviewing. *Qualitative research, 10*(2), 175-198.

Jenkins, R. (2008). *Rethinking ethnicity*. Sage.

Jenkins, R. (2014). *Social identity*. Routledge.

Johnson, B., & Clarke, J. M. (2003). Collecting sensitive data: The impact on researchers. *Qualitative health research, 13*(3), 421-434.

Jones, K. N., Brewster, M. E., & Jones, J. A. (2014). The creation and validation of the LGBT Ally Identity Measure. *Psychology of Sexual Orientation and Gender Diversity, 1*(2), 181.

Justice K. S. Puttaswamy (Retd.) and Anr. vs Union Of India And Ors (Supreme Court of India 2017).

Kalra, G. (2012). Hijras: The unique transgender culture of India. *International Journal of Culture and Mental Health, 5*(2), 121-126.

Kanuha, V. K. (2000). "Being" native versus "going native": Conducting social work research as an insider. *Social Work, 45*(5), 439-447.

Keck, M. E., & Sikkink, K. (1998). *Activists beyond borders: Advocacy networks in international politics*. Cornell University Press.

Khagram, J., Rikker, V., & Sikkink, K. (Eds.). (2002). *Restructuring world politics: Transnational social movements, networks and norms.* Minneapolis: University of Minnesota Press.

Khan, F. A. (2019). Translucent Citizenship: Khwaja sira activism and alternatives to dissent in Pakistan. *South Asia Multidisciplinary Academic Journal*, *20.*

Khanna, A. (2014). The queer body between the judicial and the political: Reflections on the anti-homosexuality laws in India and Uganda. In S. Corrêa and A. Khanna (Eds.), *Putting the Law in its Place: Analyses of Recent Developments in Law Relating to Same-sex Desire in India and Uganda* (pp.6-13).

Khan, S. I., Hussain, M. I., Parveen, S., Bhuiyan, M. I., Gourab, G., Sarker, G. F., & Sikder, J. (2009). Living on the extreme margin: social exclusion of the transgender population (hijra) in Bangladesh. *Journal of Health, Population, and Nutrition*, *27*(4), 441.

Kim-Puri, H. J. (2005). Conceptualizing gender-sexuality-state-nation: An introduction. *Gender & Society*, *19*(2), 137-159.

Kinsey, A., Pomeroy, W., & Martin, C. (1953). *Sexual Behavior in the Human Female.* Philadelphia: Saunders .

Kinsey, A., Pomeroy, W., & Martin, C. (1948). *Sexual Behaviour in the Human Male.* Philadelphia : Saunders.

Knox, S., & Burkard, A. W. (2014). Qualitative research interviews: An update. In A.W. Burkard & S. Knox (Eds.), *Quantitative and qualitative methods in psychotherapy research* (pp. 342-354). Routledge.

Kodiyath, S. (2015). Deciphering the dichotomy: Supreme Court of India's contrasting jurisprudence on transgender rights and homosexuality. *Available at SSRN 2655864*.

Kotiswaran, P. (2001). Preparing for civil disobedience: Indian sex workers and the law. *Boston College Third World Law Journal*, *21*(2), 161–242.

Kulick, D. (1998). *Travesti.* University of Chicago Press.

Lacy, K. R. (2007). *Blue-chip black: Race, class, and status in the new middle black class.* Berkeley, CA: University of California Press.

Lakkimsetti, C. (2016). Empowered criminals and global subjects: Transnational norms and sexual minorities in India. *Qualitative Sociology*, *39*(4), 375-396.

Lal, V. (1999). Not This, Not That: The hijras of India and The Cultural Politics of Sexuality. *Social Text*, 61, 119-140.

Lamont, M., & Molnár, V. (2001). How blacks use consumption to shape their collective identity: Evidence from marketing specialists. *Journal of Consumer Culture*, *1*(1), 31-45.

Lamont, M., & Aksartova, S. (2002). Ordinary cosmopolitanisms: Strategies for bridging racial boundaries among working-class men. *Theory, Culture & Society*, *19*(4), 1-25.

Lamont, M., & Hall, P. (2009). Successful societies: How institutions and culture affect health.

Lamont, M., & Huutoniemi, K. (2011). Comparing customary rules of fairness. *Social knowledge in the making*, 209-232.

Lamont, M., & Mizrachi, N. (2012). Ordinary people doing extraordinary things: responses to stigmatization in comparative perspective. *Ethnic and racial studies*, *35*(3), 365-381.

Hall, P. A., & Lamont, M. (Eds.). (2013). *Social resilience in the neoliberal era*. Cambridge University Press.

Lang, S. (1998). *Men as women, women as men: Changing gender in Native American cultures*. University of Texas Press.

Lawler, S. (2014). *Identity: Sociological perspectives*. John Wiley & Sons.

Leidig, E. (2020). Hindutva as a variant of right-wing extremism. *Patterns of Prejudice*, *54*(3), 215-237.

Lester, J. N., Cho, Y., & Lochmiller, C. R. (2020). Learning to do qualitative data analysis: A starting point. *Human Resource Development Review*, *19*(1), 94-106.

Levine, P. (2003). Prostitution, race, and politics: Policing venereal disease in the British Empire. New York: Routledge.

Levitas, R. (2007). The multi-dimensional analysis of social exclusion.

Lindgren, M., & Wåhlin, N. (2001). Identity construction among boundary-crossing individuals. *Scandinavian journal of management*, *17*(3), 357-377.

Link, B. G., & Phelan, J. C. (2001). Conceptualizing stigma. *Annual review of Sociology*, 363-385.

Link, B. G., & Phelan, J. C. (2006). Stigma and its public health implications. *The Lancet*, *367*(9509), 528-529.

Lynton, H. R., Jackson, L. R., & Rajan, M. (1974). *The days of the beloved*. Univ of California Press.

MacKinnon, C.A. (1982). Feminism, Marxism, method and the state: An agenda for theory. *Journal of Women in Culture and Society*, *7*(3), 515–544.

Magaldi, D., & Berler, M. (2020). Semi-structured interviews. In V. Ziegler-Hill & T. K. Shackelford (Eds.), *Encyclopedia of personality and individual differences* (pp. 4825-4830). Springer.

Mallon, G. P., & DeCrescenzo, T. (2006). Transgender children and Youth: A child welfare practice perspective. *Child Welfare*, 215-241.

Mal, S. (2018). The hijras of India: A marginal community with paradox sexual identity. *Indian Journal of Social Psychiatry*, *34*(1), 79.

Mannathukkaren, N. (2010). The 'poverty'of political society: Partha Chatterjee and the people's plan campaign in Kerala, India. *Third World Quarterly*, *31*(2), 295-314.

Marshall, C., & Rossman, G. B. (2014). *Designing qualitative research*. Sage.

Mason, J. (2017). *Qualitative researching*. London: Sage.

Masthrs, W. H., & Johnson, V. E. (1979). *Homosexuality in perspective.* Boston, MA: Little, Brown.

McIntosh, M. (1968). The homosexual role. *Social problems, 16*(2), 182-192.

McLaughlin, J. (2006). The return of the material: Cycles of theoretical fashion in lesbian, gay and queer studies. In D. Richardson, J. McLaughlin & M. E. Casey (Eds.), *Intersections between Feminist and Queer Theory* (pp. 59-78). Basingstoke: Palgrave MacMillan.

Mead, G. H. (1934). *Mind, Self, and Society*.

Menon, M. (2018). *Infinite variety: A history of desire in India*. New Delhi: Speaking Tiger.

Merriam, S. B. & Caffarella, R. S. (1999). *Learning in Adulthood: A Comprehensive Guide*. (2 nd Edition). San Francisco: Jossey-Bass.

Miles, M. B., & Huberman, A. M. (1994). *Qualitative data analysis: An expanded sourcebook*. Sage.

Mishra, A.K., & Sharma, A.K. (2007). *Redefining Vulnerabilities: A Study of Men Having Sex with Men in the Wake of the HIV Epidemic in Mumbai, India* [Paper Presentation). The Population Association of America 2007, New York, United States.

Mogli, V. V. (2016). Over two years after landmark judgment, transgender people are still struggling. *The Wire, 5*.

Monro, C. S. (2010). Towards a sociology of gender diversity: The Indian and UK cases. In S. Hines & T. Sanger (Eds.), *Transgender Identities* (pp. 256-272*)*. Routledge.

Monro, S. (2015). *Bisexuality: Identities, politics, and theories*. Palgrave Macmillan.

Morris, R. (1994). The sexes and four sexualities: Redressing the discourses on gender and sexuality in contemporary Thiland'. *Positions, 2*(1), 15-43.

Mount, L. (2020). “I am not a Hijra”: Class, respectability, and the emergence of the “new” transgender woman in India. *Gender & Society*, *34*(4), 620-647.

Mudraboyina, R., Jagirdar, S. & Philip, P. C. (2019). A Critique of Transgender Persons (Protection Of Rights) Bill, 2019. *Feminism in India.*

Naik, Y. (2017). Analyzing the supreme court’s verdict on section 377 of the Indian penal code. In *Homosexuality in the Jurisprudence of the Supreme Court of India* (pp. 91-105). Springer.

National Legal Services Authority v. Union of India (India Supreme Court 2014).

Nanda, S. (1986). The hijras of India: Cultural and individual dimensions of an institutionalized third gender role. *Journal of homosexuality*, *11*(3-4), 35-54.

Nanda, S. (1990). *Neither Man Nor Woman: The Hijras of India*. Wadsworth Publ.

Nanda, S. (1999). *The hijras of India: Neither man nor woman.* (2nd Edition). Belmont: Wadsworth.

Nanda, S. (2003). Hijra and Sadhin. S. LaFont (Ed.), *Constructing Sexualities*. New Jersey: Pearson Education.

Narrain, A. (2004). The articulation of rights around sexuality and health: Subaltern queer cultures in India in the era of Hindutva. *Health and Human Rights*, 142-164.

Narrain, A., & Bhan, G. (2005). Because I have a voice. *Queer politics in India.* Delhi: Yoda.

Narrain, A. (2008). That despicable specimen of humanity: policing of homosexuality in India. *Challenging the rules of law: Colonialism, criminal law and human rights in India*, 48-77.

Narrain, S. (2009). Crystallising queer politics: The Naz foundation case and its implications for India's transgender communities. *NUJS Law Review*, *2*, 455.

Narrain, A. (2014). Brazil, India, South Africa: transformative constitutions and their role in LGBT struggles. *SUR International Journal on Human Rights*, *20*, 151.

Neuman, D. M. (1980). *The Life of Music in North India: The Organisation of an Artistic Tradition.* Chicago: The University of Chicago Press.

Newcomb, M. E., Hill, R., Buehler, K., Ryan, D. T., Whitton, S. W., & Mustanski, B. (2020). High burden of mental health problems, substance use, violence, and related psychosocial factors in transgender, non-binary, and gender diverse youth and young adults. *Archives of sexual behavior*, *49*(2), 645-659.

Nicholson, L. (1994). Interpreting Gender. *Journal of Women in Culture and Society*, 20(1), 79–105.

Nigam, S. (1990). Disciplining and policing the 'criminals by birth': The making of a colonial stereotype—The criminal tribes and castes of North India. *The Indian Economic & Social History Review*, *27*(2), 131-164.

Oakley A (1981) Interviewing women: A contradiction in terms?. In H Roberts (Ed.), *Doing Feminist Research* (pp. 30-61). London: Routledge and Kegan Paul.

Oakley, A. (2016). Interviewing women again: Power, time and the gift. *Sociology*, *50*(1), 195-213.

O'Flaherty, W. D. (1973). *Siva: The erotic ascetic*. Oxford University Press.

O'Flaherty, W.D. (1980). *Women, androgynes, and other mythical beasts*. Chicago: University of Chicago Press.

Oldenburg, V. T. (1990). Lifestyle as resistance: The case of the courtesans of Lucknow, India. *Feminist Studies*, *16*(2), 259-287.

Olson, K. R., Durwood, L., DeMeules, M., & McLaughlin, K. A. (2016). Mental health of transgender children who are supported in their identities. *Pediatrics*, *137*(3).

O'Neill, M., Campbell, R., Hubbard, P., Pitcher, J., & Scoular, J. (2008). Living with the other: Street sex work, contingent communities and degrees of tolerance. *Crime, Media, Culture*, *4*(1), 73-93.

Opler, M.E. (1960). The hijara (hermaphrodites) of India and Indian national character: A rejoinder. *American Anthropologist*, *62*, 505-511.

Opler, M.E. (1961). Further comparative notes on the hijara of India. *American Anthropologist*, 63, 1331-1332.

Orb A, Eisenhauer L, Wynaden D. (2001). Ethics in qualitative research. *Journal of Nursing Scholarship*, *33*(1), 93-96.

Pandya, A. K., & Redcay, A. (2021). Access to health services: Barriers faced by the transgender population in India. *Journal of Gay & Lesbian Mental Health*, *25*(2), 132-154.

Parker, R., & Aggleton, P. (2003). HIV and AIDS-related stigma and discrimination: A conceptual framework and implications for action. *Social Science & Medicine*, 57, 13–24.

Pasquetti, S. (2015). Negotiating control: Camps, cities and political life. *City*, *19*(5), 702-713.

Patel, A. R. (2010). India's Hijras: The case for transgender rights. *George Washington International Law Review*, *42*, 835.

Paternotte, D., & Tremblay, M. (2015). Introduction: Investigating lesbian and gay activism. In D. Paternotte & M. Tremblay (Eds.), *Ashgate research companion to lesbian and gay activism* (pp. 1–13). Farnham: Ashgate.

Paton, K. (2018). Beyond legacy: Backstage stigmatisation and 'trickle-up'politics of urban regeneration. *The Sociological Review*, *66*(4), 919-934.

Pattanaik, D. (2014). *The man who was a woman and other queer tales from Hindu lore*. Routledge.

Pepper, S. M., & Lorah, P. (2008). Career issues and workplace considerations for the transsexual community: Bridging a gap of knowledge for career counselors and mental heath care providers. *The Career Development Quarterly*, *56*(4), 330-343.

Pescosolido, B., & Martin, J. (2015). The stigma complex. *Annual Review of Sociology, 41*, 87–116.

Plummer, K. (1975) *Sexual Stigma: An interactionist account.* London: Routledge & Kegan Paul.

Plummer, K. (1981a). Homosexual categories: Some research problems in the labelling perspective of homosexuality. In K. Plummer (Ed.), *The Making of the Modern Homosexual* (pp. 53-75). New Jersey: Barnes and Noble.

Plummer, K. (1995). *Telling sexual stories: Power, change and social worlds.* London: Routledge.

Polit, D. F., & Beck, C. T. (2010a). Essentials of nursing research: Appraising evidence for nursing practice. Philadelphia: Lippincott Williams & Wilkins.

Popay, J. (2010). Understanding and tackling social exclusion. *Journal of Research in Nursing*, *15*(4), 295-297.

Povinelli, E. A., & Chauncey, G. (1999). Thinking sexuality transnationally: An introduction. *GLQ: A Journal of Lesbian and Gay Studies*, *5*(4), 439-449.

Puar, J. (1998). Transnational sexualities: South Asian (trans)nation (alism)s and queer diasporas. *Q&A: Queer in Asian America*, 405-422.

Puar, J. K. (2007). Introduction: Homonationalism and biopolitics. In *Terrorist Assemblages* (pp. 1-36). Duke University Press.

Punekar, S. D., & Rao, K. (1962). Prostitution in Bombay with reference to family background.

Puri, J. (2016). *Sexual states*. Duke University Press.

Pryor, J. B., Reeder, G. D., & Monroe, A. E. (2012). The infection of bad company: Stigma by association. *Journal of Personality and Social Psychology*, *102*(2), 224.

Preston, L.W. (1987). A right to exist: Eunuchs and the state in nineteenth-century India. *Modern Asian Studies 21*, 373- 377.

Rajesh, D., & Naved, A. (2013). Approach paper on education and employment opportunities and challenges for transgender. New Delhi, India: National Expert Committee on Issues of Trans gender Persons, Ministry of Social Justice and Empowerment, Government of India.

Rajkumar. (2016). Education of transgenders in India: Status and challenges. *International Journal of Research in Economics and Social Sciences*, *6*(11), 15–24.

Ravikumar, A.V., & Kumar, K.A. (2011). Sexual Behaviour and its Determinants among Homosexual and Bisexual Men in Mumbia, India. *The Journal of Family Welfare*, *57*(2): 2–22.

Reddy, G. (2005). Geographies of contagion: Hijras, Kothis, and the politics of sexual marginality in Hyderabad. *Anthropology & Medicine*, *12*(3), 255-270.

Reinharz, S., & Chase, S. E. (2002). Interviewing women. *Handbook of interview research: Context and method*, *1*, 221-238.

Revathi, A. T. (2010). *The truth about me: A hijra life story*. Penguin UK.

Rich, A. (1980). Compulsory heterosexuality and lesbian existence. *Journal of Woman in Culture and Society 5*(4), 631-660.

Richards, D. (1996). Elite interviewing: Approaches and pitfalls. *Politics*, *16*(3), 199-204.

Richardson, D. (1984). The dilemma of essentiality in homosexual theory. *Journal of Homosexuality*, *9*(2-3), 79-90.

Richardson, D. (1996). Contradictions in discourse: Gender, sexuality and HIV/AIDS. In J. Holland & L. Adkins (Eds.), *Sex, sensibility and the gendered body* (pp. 161-177). Palgrave Macmillan: London.

Richardson, D. (2005). Desiring sameness? The rise of a neoliberal politics of normalisation. *Antipode*, *37*(3), 515-535.

Richardson, D. (2007). Patterned fluidities: (Re) imagining the relationship between gender and sexuality. *Sociology*, *41*(3), 457-474.

Richardson, D., Laurie, N., Poudel, M., & Townsend, J. (2016). Women and citizenship post-trafficking: the case of Nepal. *The sociological review*, *64*(2), 329-348.

Richardson, D., & Monro, S. (2012). *Sexuality, equality and diversity*. Bloomsbury Publishing.

Richardson, D., & Laurie, N. (2019). Returning to sexual stigma: post-trafficking lives. *The British Journal of Sociology*, *70*(5), 1926-1945.

Rich, S., Taket, A., Graham, M., & Shelley, J. (2011). 'Unnatural','unwomanly','uncreditable'and 'undervalued': The significance of being a childless woman in Australian society. *Gender Issues*, *28*(4), 226-247.

Riessman, C. K. (2000). Stigma and everyday resistance practices: Childless women in South India. *Gender & Society*, *14*(1), 111-135.

Rispel, L. C., Metcalf, C. A., Cloete, A., Moorman, J., & Reddy, V. (2011). You become afraid to tell them that you are gay: health service utilization by men who have sex with men in South African cities. *Journal of public health policy*, *32*(1), S137-S151.

Rodriguez, E. G., Boatcă, M., & Costa, S. (2016). Wounded Subjects: Sexual Exceptionalism and the Moral Panic on 'Migrant Homophobia'in Germany. In *Decolonizing European Sociology* (pp. 149-166). Routledge.

Rodríguez-Rust, P. C. (2000). Bisexuality: A contemporary paradox for women. *Journal of Social Issues*, *56*(2), 205-221.

Rollock, N., Gillborn, D., Vincent, C., & Ball, S.J. (2011). The Public Identities of the Black middle slasses: Managing race in public spaces. *Sociology*, *45*(6), 1078–1093.

Rossi, P. H., & Berk. R.A. (1985). Varieties of normative consensus. *American Sociological Review*, *50*, 333-347

Rossi, P. H., & Steven, L. N. (Eds). (1982). *Measuring social judgments: The factorial survey approach*. Sage.

Roy, A. (2017). *The ministry of utmost happiness*. Hamish Hamilton.

Rubin, G. S. (1984). Thinking sex: notes for a radical theory of the politics of sexuality. In C. S. Vance (Ed.), *Pleasure and danger: Exploring female sexuality* (pp. 267-319). London: Routledge & Kegan Paul.

Rubin, H, & Rubin, I. (1995). *Qualitative Interviewing: The art of hearing data*. London: Sage.

Safa, N. (2016). Inclusion of excluded: integrating need-based concerns of hijra population in mainstream development. *Social Anthropology*, *4*(6), 450-458.

Said, E. (1978). *Introduction to Orientalism.* Harmondsworth: Penguin.

Saleem, M., Hussain, E., Nadeem, M., & Khan, A. A. (2011). Measuring the Psychological Morbidity among Eunuchs (Hijras) of Bahawalpur City. *Journal of Educational Research (1027-9776)*, *14*(1).

Saria, V. (2019). Begging for change: Hijras, law and nationalism. *Contributions to Indian Sociology*, *53*(1), 133-157.

Saxena, P. (2011). *Life of a Eunuch.* Mumbai: Shanta Publishing House.

Scambler, G. (2018). Heaping blame on shame:'Weaponising stigma' for neoliberal times. *The Sociological Review*, *66*(4), 766-782.

Schutz, A. (1967). The phenomenology of the social world (G. Walsh & F. Lehnert, Trans.). Evanston, IL: North Western University Press. (Original work published 1932).

Scott, D. (2002). Adding Meaning to Measurement: The Value of Qualitative Methods in Practice Research. *The British Journal of Social Work, 32*(7), 923–930.

Sedgwick, E. K. (1990). *The epistemology of the closet.* Berkeley, CA: University of California Press.

Semmalar, G. I. (2014). Unpacking solidarities of the oppressed: Notes on trans struggles in India. *WSQ: Women's Studies Quarterly*, *42*(3), 286-291.

Sen, A. (2000). *Social exclusion: Concept, application and scrutiny.* Asian Development Bank.

Shah, S. P. (2015). Queering critiques of neoliberalism in India: Urbanism and inequality in the era of transnational "LGBTQ" rights. *Antipode*, *47*(3), 635-651.

Sharma, M. (2006) Loving Women: Being Lesbian in Unprivileged India. New Delhi: Yoda Press

Sharma, S. K. (1984). Eunuchs: past and present. *The Eastern Anthropologist*, *37*(4). 381-389.

Sharma, S. K. (1989). *Hijras: The labelled deviants.* New Delhi: Gian Publishing House.

Shawkat, S. S. (2016). *Construction of the hijra identity* (Doctoral dissertation, BRAC University).

Sheikh, D. (2008). Homosexuality and homophobia in Indian popular culture: Reflections of the law. *NALSAR Stud. L. Rev.*, *4*(33).

Sheikh, D. (2013). The road to decriminalization: Litigating India's anti-sodomy law. *Yale Hum. Rts. & Dev. LJ*, *16*, 104.

Sheikh, D., & Narrain, S. (2013). Struggling for reason: Fundamental rights and the wrongs of the supreme court. *Economic and Political Weekly*, *48*(52), 14-16.

Silverman, D. (2006). *Interpreting qualitative data: Methods for analyzing talk, text, and interaction* (3rd ed.). Sage: London.

Simon, S. (1996). *Gender in translation: Cultural identity and the politics of transmission.* London: Routledge.

Simon, W. (1996) *Postmodern Sexualities.* London, Routledge.

Simon, W., & Gagnon, J. H. (1984). Sexual scripts. *Culture, society and sexuality*, 31-40.

Simon, W. & Gagnon, J. H. (1986). Sexual scripts: Permanence and change. *Archives of Sexual Behavior, 15*(2), 97-120.

Simon, W., & Gagnon, J. H. (2003). Sexual scripts: Origins, influences and changes. *Qualitative sociology*, *26*(4), 491-497.

Singh, S., Dasgupta, S., Patankar, P., & Sinha, M. (2013). *A people stronger: The collectivization of MSM and TG groups in India*. Sage Publications India.

Sinha, A. P. (1967). Procreation among the eunuchs. *Eastern Anthropologist*, *20*(2), 168-76.

Sinha, M. (1995). *Colonial masculinity: The "manly" Englishman and the "effeminate" Bengali in the late nineteenth century*. Manchester: Manchester University Press.

Sinha, N. (2008) Mobility, control and criminality in early colonial India, 1760s–1850s. *Indian Economic and Social History Review*, *45*(1), 1–33.

Sircar, O. (2011). Spectacles of emancipation: Reading rights differently in India's legal discourse. *Osgoode Hall Law Journal*, *49*, 527.

Sircar, O. (2017). New queer politics in the new India: notes on failure and stuckness in a negative moment, *Unbound 11*(1), 1-36

Sircar, O., & Jain, D. (Eds.). (2017). *New intimacies, old desires: Law, culture and queer politics in neoliberal times*. New Delhi: Zubaan.

Sircar, O. (2021). A brief prehistory of queer freedom in the New India. In P. Kumar (ed.), *Sexuality, abjection and queer existence in contemporary India* (p.187). Routledge India.

Spivak, G. (1996). Subaltern studies: Deconstructing historiography. In L. Donna & M.L. Gerald (Eds.), *The Spivak Reader* (pp. 203–237). London: Routledge.

Srivastava, S. S. (2014). Disciplining the 'desire': Straight state and LGBT activism in India. *Sociological Bulletin*, *63*(3), 368-385.

Srivastava, S. (2020). *Passionate modernity: sexuality, class, and consumption in India*. Taylor & Francis.

Sullivan, N. (2003). *A critical introduction to queer theory.* Edinburgh: Edinburgh University Press.

Synnott, A. (1992) Tomb, temple, machine and self: The social construction of the body. *The British Journal of Sociology, 43*(1): 79–110.

Tambe, A. (2009). *Codes of misconduct: Regulating prostitution in late colonial Bombay.* New Delhi: Zubaan.

Tarrow, S. (2001). Transnational politics: Contention and institutions in international Politics. *Annual Review Political Science*, *4*, 1-20.

Temple, B., & Young, A. (2004). Qualitative research and translation dilemmas. *Qualitative research*, *4*(2), 161-178.

Tharoor, S. (2005). *Bookless in Baghdad: Reflections on writing and writers.* New York: Arcade Publishing.

Thomas, B., Mimiaga, M.J., Kumar, S., Swaminathan, S., Safren, S.A. & Mayer, K.H. (2011). HIV in Indian MSM: Reasons for a Concentrated Epidemic and Strategies for Prevention. *Indian Journal of Medical Research, 134,* 920–929.

Tougher, S. (Ed.). (2002). *Eunuchs in antiquity and beyond*. ISD LLC.

Towle, E. B. & Morgan, M. (2006). Romancing the transgender native: Rethinking the use of the "third gender" concept'. In S. Stryker & S. Whittle (Eds.), *The Transgender Studies Reader.* London and New York: Routledge.

Transgender Persons (Protection of Rights) Bill (India 2016).

Tripathi, L. N. (2015). Me Laxmi, me hijra *(R. R. Rao & P.G. Joshi.Trans.) New Delhi: Oxford University Press*. (Original work published 2015)

Turner, V. (1969). Liminality and communitas. *The ritual process: Structure and anti-structure*, *94*(113), 125-30.

Tyler, I. (2020). *Stigma: The machinery of inequality*. Bloomsbury Publishing.

Tyler, I., & Slater, T. (2018). Rethinking the sociology of stigma. *The Sociological Review*, *66*(4), 721-743.

Tyler, I. (2020). *Stigma: The machinery of inequality*. Bloomsbury Publishing.

Ung Loh, J. (2018). Transgender identity, sexual versus gender 'rights' and the tools of the Indian state. *Feminist Review*, *119*(1), 39-55.

Valentine, S. E., & Shipherd, J. C. (2018). A systematic review of social stress and mental health among transgender and gender non-conforming people in the United States. *Clinical psychology review*, *66*, 24-38.

Vance, C. S. (1989). Social construction theory: Problems in the history of sexuality. In D. Altman (Ed.), *Homosexuality, which homosexuality* (pp.13-34). Amsterdam: An Dekker.

Vanita, R., & Kidwai, S. (Eds.). (2000). *Same-sex love in India: Readings from literature and history*. New York: St. Martin's Press.

Wacquant, L. (2008). *Urban outcasts: A comparative sociology of advanced marginality*. Polity.

Wacquant, L., Slater, T., & Pereira, V. B. (2014). Territorial stigmatization in action. *Environment and planning A*, *46*(6), 1270-1280.

Wallace, P. 2010. Finding Self: A qualitative study of transgender, transitioning, and adulterated silicone. *Health Education Journal, 69*(4), pp. 349-446.

Warner, M. (1993). Introduction. In M. Warner (Ed.), *Fear of a queer planet: Queer politics and social theory*. Minneapolis, MN: University of Minnesota Press.

Weeks, J. (1981). Society: *The regulation of sexuality since 1800*. London and New York: Longman.

Weeks, J. (2018). Sexual studies and sexual justice. *Sexualities*, *21*(8), 1238-1242.

Weeks, J., Holland, J., & Waites, M. (2003). *Sexualities and society: A reader*. Polity Press.

Weinberg, T. S. (1978) 'On "doing" and "being" gay: Sexual behaviour and homosexual male self-identity', *Journal of Homosexuality, 4*(2), 143-168.

Weitzer, R. (2018). Resistance to sex work stigma. *Sexualities*, *21*(5-6), 717-729.

Werbner, P. (2005). The translocation of culture: 'community cohesion'and the force of multiculturalism in history1. *The Sociological Review*, *53*(4), 745-768.

West, D. J. (1982). *Delinquency, its roots, careers, and prospects* (Vol. 50). Harvard University Press.

Wiederman, M. W. (2015). Sexual script theory: Past, present, and future. In J. DeLamater & R. F. Plante (Eds.), *Handbook of the sociology of sexualities* (pp. 7-22). Springer, Cham.

Wise, J. (1883). *Notes on the races, castes and trades of Eastern Bengal*. London: Harrison and Sons.

Woltmann, S. (2020). Third gender politics: Hijra identity construction in India and beyond. *South Asian Review*, *41*(1), 3-15.

Zevallos, Z. (2013, November 20). Sociology of Community. https://othersociologist.com/2013/11/20/sociology-of-community/