

In Search for Inclusion: Examining Migration of the Transgender

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Abstract

Transgender persons in India often experience social stigma and discriminatory attitudes that manifest in human right violations and continued marginalisation. This inhuman treatment and social alienation hinder one's ability to access facilities, opportunities and information. Various kinds of such disparities and discrimination could result them to migrate into places which they consider as better in leading a life. This paper attempts to analyse the migration of transgendered persons from their surroundings to newer destinations. In doing so, the paper looks at the way the transgender is stigmatised systematically and the mechanisms used by the community to overcome the situation. This paper concludes by discussing the need to have an inclusive approach in the society regardless of the gender identity of the individuals.

Key Words: Migration, transgender, stigma, inclusion, visibility

Introduction

“Transgender is often used as an umbrella term to signify individuals who defy rigid, binary gender constructions, and who express or present a breaking and/or blurring of culturally prevalent stereotypical gender roles (UNDP, 2010, p.3)”. Transgender is both male to female and female to male gender transgression and they may live in the gender identity differ from their biological sex. The condition and treatment of the transgender across the world varies according to the views and approaches followed in different regions. In June, 2018, in an edition of the International Classification of Diseases, World Health Organisation announced that being transgender cannot be viewed as any sort of mental illness. It can be considered as a meaningful step to promote acceptance and inclusiveness of the transgender persons.

The transgender population is scattered across India. However,

transgender was counted for the first time in 2011 census. There is no uniform term to refer them across time and space. A multitude of names are been used in India to refer the community such as *Kinnars*, *hijras*, *Khusras*, *Aravanis*, *Thirunangai*, *Kothis*, *Jogappas*, *Shiv-Shakthis*, neutrals and so on. They are also “referred to as the third gender or the third sex probably due to their gender and sexual nonconformity to that of the mainstream society (Goyal & Nayar, 2012, p.20)”. All the referred names denote the ‘inappropriateness of the sexuality’ of these persons. The presence of the transgender is visible in India through various historical evidences but it is more or less ignored by the society and scholars. In the Indian mythologies transgender are given a divine status. One prominent account which describe about the transgender life in the 4th century is *Kamasutra* written by Vatsyayana. It discusses sexualities of the people who are out of the binary concept of gender. A Hindu epic, *Valmiki Ramayana*, also talks

about their presence in those times. However, in the later period, may be as a ramification of the colonial rule, sexual orientation and identities in general were viewed in the light of 'Victorian morality'.

Methodology

This paper aims to examine the migratory movements of transgender persons from the state of Kerala, India, due to discrimination and continuous social marginalisation. Analysis is purely based on the studies on the transgender conducted in India and abroad. In order to get a picture of the lived experiences of the third gender, an in-depth informal interview had been conducted with a transgender activist who is a transgender migrated from one state of India to another in search of better social environment. Policies and acts enacted in India for the betterment and welfare of the third gender have also examined for understanding the trajectory of the transgender.

Stigmatisation and Labelling

The condition of the third gender across the world varies as different parts of the world follow different cultures, traditions, values and norms. The incidence of transnational and internal migration from rural areas and non-western countries into the LGBT (lesbian, gay, bisexual, transgender) communities of "gay capitals" or "Gay Meccas" of the West is significant (Aronovich, 2013). They migrate fleeing social inequality and integrate into already existing communities in the western world. The way to reach them is not without difficulty, and many deal with issues not expected by the movers themselves, but people moves to places which are relatively tolerant, multicultural and

cosmopolitan in nature. National Centre for Transgender Equality, United States, pointed out that transgender from various nations consider the United States of America as a comfortable place as they expect assurance from the threat of hostility and ill treatment because of their sexual and gender identity (National Centre for Transgender Equality, 2013,p.6).

The United States of America has a long history of rejecting immigrants based on criteria of sex, race, ethnicity and sexual identity. In the year 1990, there was a revision in the immigration law of the country and it opened entry to individuals regardless of their sexual orientation. However, several hindrances still exist, which make immigration especially challenging for several vulnerable sections (American Psychological Association, 2012, p. 25). This emigration process is not viewed as an easy or smooth journey. While discussing about the trajectory of emigration through Mexico, Lieberman emphasized about the transphobia and homophobia experienced by the third gender due to the denial of accommodation in the dormitories of their birth sex as well as assigned sex (Lieberman, 2013, p.10).

It is noted that some transgender people migrate through legal processes and possess required documents that make their travel and acceptance to the receiving countries as immigrants or temporary guest workers simpler. A significant number of transgender persons are not successful in obtaining legal permission and they enter into different nations including US as illegal migrants. National Center for Transgender Equality (2013, p.3) estimates a sizeable number of

transgender as undocumented migrants. The actual figures may be much higher than the estimate because many of them may not reveal their gender identity due to the threat of transphobia. The undocumented transgender migrants often face higher risks of discrimination and violence even in the receiving countries and their well-being is profoundly affected with the dual shadows of illegal migrant status and transphobia. They are much more likely to lack access to quality, affordable health care along with barriers in accessing better housing, economic security, exploitation and violence. Same study pointed out that, the guidelines adopted in April 2012 enabled the migrants who managed to obtain legal status to update their gender identity on the documents of immigration (ibid, p.2).

Though India has a constitution that assures liberty, equality and protection against discrimination; such affirmations are often neglected when it comes to the transgender. A study conducted by PUCL-K (People's Union for Civil Liberties - Karnataka) shows that the neglect and discriminatory treatment experience by the transgender had turned into the form of violence in both public and private spaces including homes (PUCL-K, 2001). Transgender persons may have to escape from their own domestic environment due to the inequality in treatment within the family or not wanting in bringing "shame" to their immediate family members. Another qualitative study conducted among the transgender people in Delhi based on participant observation and narratives show that they go through substantial forms of discrimination at various areas of social life though their presence being considered auspicious in

ceremonies like marriage and child birth (Goel & Nayar, 2012, p.20).

The discrimination, alienation and human right violation limits one's access to basic rights, services and opportunities and that make them helpless and powerless in socio-economic and political milieus of life. In addition to that, many of them could not avail social pensions, ration and voter identity cards, passports and documents supporting caste or community (Math & Seshadri 2013, p.5). Discrimination often starts at a very young age and there may not be any kind of acceptance in many families when children behave in ways that are 'indifferent' or 'inappropriate' to his/her biological sex (UNDP report 2010, p.8).

Transgender in India also experience legal problems such as delay or difficulty in getting legal acknowledgement of their gender identity, right to inheritance, procuring travel documents, denial of participation in employment, ill treatment at public places, and barriers in accessing health care services and facilities from both public and private institutions. The change of name and gender on the credentials also remain problematic. There are incidents of transgender getting admissions denied in colleges for higher education due to the mismatch in the sex at birth and name mentioned in the certificates/documents and the gender identity they want to carry along with. In spite of the above discussed problems in the socio-cultural and political life, transgender go through various health problems including sexual and mental health issues and problems related to alcohol/substance abuse (UNDP, 2010, p.4-5). The vulnerable conditions often lead them to face sexual harassment

and exploitation. Karunanithi noted that, they are extremely receptive to sexually transmitted infections including HIV/AIDS (Karunanithi, 2015, p.22). In many societies they are labelled as carriers of disease. The targeting of the transgender and the uni-focal view given on HIV/AIDS/STIs further marginalises these individuals by labelling them as ‘repositories’ of the disease causing germ and as ‘high risk groups’ (Goel & Nayar, 2012,p.21). The sexual minority are very often ridiculed by others for “being different” and they may even show hostility. Verbal or physical abuse and obtaining money and valuables through exerting force or threat or fake allegations could happen even from the police who are supposed to ensure the safety of the individuals.

Migration as a strategy for better life

As a result of the above discussed issues many of the transgender persons often migrate to other places searching for more accepting social environment which is something new for them. They cannot live in their surroundings though they wish to be due to the social prescriptions and stigma. They often flock into urban centers seeking a refuge of tolerance where they could enjoy the anonymity and peace that a great city gives to the individual. In some countries, many of them manage to cross international borders to get away from intense hostility and ill-treatment due to their gender identity. Some others migrate to escape from desperate poverty and discrimination, compounded by gender-based violence. The asymmetrical relationships and social inequalities often determine a mover’s selection of destination. Such asymmetries are created by the socio-cultural inequalities between

different migrants and between the migrants and their choice of destination. Migration streams can be forced and involuntary or escape oriented and voluntary (Wilson, 2010, p.402). The stream of migration which is discussing in this paper is mainly an escape from the varied kind of exploitation the transgender face in their everyday life. Migration of the transgender from various nations to US, Middle East to Israel and Irish migration of sexual minorities to London are some among of this migratory stream.

‘Culture’ of Migration

Migration is an all-pervasive historical phenomenon and it has been happening across cultures and political boundaries. It cannot be viewed as an isolated phenomenon; and it is not only about the migrant and his/her choice of place but it deals with safety and escape from harmful circumstances (Cohen and Sirkeci, 2011, p.26). Cohen and Sirkeci, in their analysis on ‘culture of migration’ pointed out that migrants always have goals and plans in their minds when they leave home. Even the refugee movements fleeing socio-cultural, religious and economic issues and persecution in their countries or communities also make calculations about their lives and future (ibid: p.28). Movers may not take solitary actions; they often reach into their decisions in consultation with family, friends and other kinsmen at both places of origin and destination.

The role of social networks in the process of taking decisions on migration and its facilitation also has a great significance. These networking can be considered as a ‘chain’ process with those who migrate already helping the mobility of friends, relatives and other known

people who wish to migrate through motivation, advice on job opportunities and sometimes financial assistance. Thus, the strength and weakness of a migrant would be a culmination of factors such as age, sex, education, exposure and security. The history and the nature of exposure with other migrants in the social network also characterise the migration experience of the individuals. Migrants can be viewed as 'social actors' making calculative decisions about their future lives. Thus, migration is a rational act which is multi-faceted, often involves complicated and emotional decisions.

Migration as Mechanism for Social Inclusion and Visibility

In India, there is migration of transgender from one state or region to another because of reasons of unacceptability, discrimination and stigmatisation in the family and society. Discrimination against sexual minorities including transgender has been documented and it becomes an area of concern for the activists and people who are sensitive with the issues of the marginalised. The southernmost state of India, Kerala, has a much discussed reputation of its unique 'model' of development, i.e.; capacity to attain a high quality of life in spite of low incomes (Kannan, 2005, p.548). Though Kerala is reputed for its significant performance in the social field, there is concern over the contradictions and paradoxes in its social life. Civil society of the state considers itself as progressive, where logic and rationality have their own role to play; and yet, there exists a sizeable section of people who are structurally and functionally ostracized and denied the basic human rights. Inequitable

distribution of benefits to different sections of the population is also come to the forefront. There are concerns regarding the relative exclusion of certain social sections like dalits, tribals and fisher folk from the model and the bias against women in the distribution of gains from social development (Kurien 1995, p.71). The miserable situation of the life experiences of transgender persons has been documented by the activists and various organisations in Kerala.

Some of the transgender persons in the state have moved to places beyond the boundaries of Kerala to get away from the stigmatisation and discrimination they had faced (Augustine, 2016). The migrants seem to be more in number in those states which are taken efforts to address the issues of the transgender. Sheethal Nayak (original name used on her request), an activist who is a transgender states:

“Many of the transgender persons in Kerala migrated to cities outside the state especially to cities/places in Tamil Nadu; a neighbouring state, such as Chennai, Coimbatore and Theni and Bangalore city in Karnataka state. Few of us (she herself a migrant from Kerala who moved two decades ago) moved to Puducherry; a union territory of India, for a better life. This migration is because of the discrimination and lack of acceptance we are been facing. While many of us manage to move out of the state to escape from the

miserable life, some people still have to stay back and lead a concealed life due to individual reasons and circumstances.”

However, Tamil Nadu, became a state which could successively understand the various aspects of life of the transgender and established facilities accordingly. It has made various steps such as establishment of vocational training centers, welfare board for the transgender, sex education classes for school children, relatively better working conditions in various sectors, provision of housing facilities at concessional rates and sex reassignment surgery (SRS) for free of cost in selected institutions for the transgender.

The transgender welfare board established in Tamil Nadu in 2008 is the first of similar kind by any state of India. Tamil Nadu *Aravanigal* (Transgender women) Welfare Board took effort to enumerate the third gender in all parts of Tamil Nadu. Identity cards which mentioned gender identity as ‘aravani’ (Tamil name for the transgender) were issued in some parts. The government took initiative to issue ration cards for getting food grains and other items from the shops run by the Government in subsidised price. Moreover, government issued an order in the year 2008 to facilitate the inclusion of ‘third gender’ or ‘other’ category in the admission documents of its educational institutions. Facilities for sex reassignment surgery for free of cost is implemented for the transgender in selected state run hospitals in association with the Tamil Nadu Aravanigal Welfare Board was another effort taken by the Government (UNDP, 2010, p.6).

Augustine (2016) explains the everyday life experiences of the transgender who migrated from various regions of Kerala to Chennai city of Tamil Nadu. Her study revealed that Keralites never used to recognise the persons who are transgender. On the contrary, transgender in Tamil Nadu have much better visibility which can be seen through various platforms and that contributed substantially for the formation of a good social environment for the transgender. She further states that none of the transgender persons in her study regret about their decision to move to the city like Chennai which recognises them, though they had difficulty leaving their kin and had to overcome the adjustment problems with new culture and language.

Visibility of the transgender in Tamil Nadu is the result of various efforts of the activists and with the support of the political parties and the Government. The activities of a number of activists have created a space for the transgender to procure various necessary documents including voter’s identity cards, ration cards, and passports and ensuring of fundamental rights (Karunanithi, 2015, p.22).

Similarly, a voluntary organisation in Kancheepuram near Chennai; the capital city of Tamil Nadu state, organised an SHG (Self Help Group) for the transgender and managed to receive financial support from the state government to materialise the commencement of a beauty parlour run by the trained transgender persons. Some other SHGs runs by the transgender also received Government funding to initiate commercial endeavours. There is an SHG engaged in the production and distribution

of *halwa*, a sweet dish, in Tirunelveli District of Tamil Nadu. All these efforts are part of the urge of the transgender persons to attain visibility and to be inclusive into the society through multiple platforms.

Celebrating Collectivity

A unique transgender festival been celebrated annually in the month of *Chaitra* (A month in Tamil Calendar which falls in April-May) in Koovangam, a small village located in the Villupuram District of Tamil Nadu state, India, which is known for Koothandaver temple. The festival called *Koovangam* which lasts for eighteen days is associated with a mythological tale related to the war in the Hindu epic, *Mahabharatha*. Koothandavar is said to be Aravan, the son of Arjuna of the epic. During the war Aravan agreed to sacrifice himself to Goddess Kali to assure the victory of *Pandavas* as per the suggestion of their astrologer. However, he made a demand that he will sacrifice himself only after experiencing the marital bliss. Since, no woman was ready for marrying a man who is about to die, Lord Krishna disguises himself into a female form of Mohini and married Aravan and lived one day as husband and wife (PUCL-K, 2003, p.20). During this festival, transgender consider them as Mohini and marry Koothandavar. Cultural programmes are conducted and the people from Koovangam and other nearby places assemble to witness the marriage. In the next day of marriage they will become windows who wear white saris mourning the death of Aravan. Transgender across India come to Villupuram to celebrate this festival. Koovangam festival is a rare occasion for the community to openly flaunt their sexuality and gender identity in

public without facing censorship and discrimination. This festival is not only a cultural festival but an occasion for the collective expression of transgender identity.

Emerging scenario in the place of origin

Transgender persons of India was recognised and officially counted for the first time by the Census in 2011. According to a survey, the transgender population in Kerala is 25,000 while the Census enumerated it at 3,902 (Seetharaman, 2015). Probably, many of those transgender persons did not reveal their gender identity in the Census due to the fear of ostracisation and retribution. The survey was conducted after four years of census enumeration.

The evolving situation in the visibility of transgender population in Kerala gives some hopes in the welfare and visibility of the same in the near future. An exclusive policy for the transgender and deliberations in the legislative assembly and in the other forums depict the changing attitude of the state towards the transgender. Kerala government unveiled its 'Transgender Policy 2015', envisaging the eradication of societal stigma and ensuring of non-discriminatory treatment for the transgender. It was unveiled to enforce the constitutional rights of the transgender, in view of the Supreme Court judgment, 2014, and the outcomes of Transgender survey conducted in the state. It aims to achieve a comprehensive rights-based approach to the protection of transgender people's rights and life.

The policy ensures the right to equality, right to access development opportunities, resources and benefits, right

to live with dignity, right to freedom of expression and a life without violence, and the right to equal participation in development issue that shape their lives. The policy also aims to make laws against gender-based violence along with right to participate in employment, right to equal access to education and health services. It envisages that the above strategies together provide a cohesive and comprehensive result-based framework for the transgender to achieve their constitutional rights and live as equal citizens in the state. In order to implement the policy guidelines and to bring the third gender into the mainstream of the society a Transgender Justice Board and District Transgender Justice Committees were proposed to be established under the Department of Social Justice of the State. That way, Kerala is the first state to respond to the Supreme Court verdict in April 2014 recognising the rights of transgender persons, by introducing a comprehensive policy which does not stop at just handouts to the community and commits to protecting their freedom.

Kerala formed its welfare board for the transgender to address a variety of needs associated with social protection of the transgender and to affirm justice and equality for them. Announcement of special education aid for the trans students in schools and colleges in Kerala and introduction of a pension scheme for the transgender above 60 years of age are another significant steps in the recognition of the third gender. Kerala also proposed to make sex realignment surgeries for transgender persons in selected government hospitals for free of cost. Sheethal Nayak, observes: ‘The concern of the Kerala Government on the welfare of the transgender is a good sign. But, the

attitude of the civil society is yet to change. It may take its own time. We would like to go back to our place when the time comes where we are recognised by the society.’

The Transgender Persons (Protection of Rights) Bill, 2019 has been passed by the Indian Parliament in November 2019. It proposes provisions of non-discrimination in education, employment and health care services, recognition of their gender identity, right of residence and formulation of welfare schemes and programmes. In order to transform these rights into a reality; the social stigma and discrimination against them need to be addressed properly. If all these efforts need to address the issues of the entire community, it has to ensure equality among the varied category of the transgender. It also has to address issues of religion, caste, region and class phenomenon underlined in the transgender communities (Goel, 2018, p.5).

Discussion

The condition of life of the transgender across the globe varies as the world is different in terms of values and traditions. This study analyses the inequality, discrimination and resultant hardships faced by the transgender and the coping mechanisms in their way forward. It viewed migration as a phenomenon which is multidimensional as it deals with the choice of destination of the participants who want to escape from the harmful situation engulfed with them. Migratory movements of transgender from various countries of the world to the Western countries especially to United States of America have been described by several scholars. A review of those studies revealed that sexual minorities from

various countries would be making this move to the already existing LGBT communities of the Western countries though the entire process of migration is not a smooth movement. However the quest for visibility and the desire to escape from the non-human treatment they are been facing make them move towards a relatively comfortable place like USA.

Similar kinds of migration can be seen in India since its transgender community go through various kinds of exploitation and harassment in their everyday life. This paper particularly emphasizes the migratory movements of the third gender from one state of India to the other; i.e., from Kerala to Tamil Nadu. Though Kerala is known for its highest social indicators in the country, it is not reflective in its treatment and acceptance of the third gender for long time. This necessitated many of the transgender to migrate into the cities in other states/union territory of India such as such as Tamil Nadu, Karnataka and Pondicherry in search for inclusion and acceptance.

Tamil Nadu, a neighbouring state of Kerala, could successively understand the aspects of life of the transgender community and provide facilities accordingly much earlier to Kerala. The state of Tamil Nadu had taken many measures for the welfare of its transgender community such as establishment of welfare board, vocational training centres, formation of Self Help Groups, providing of better working conditions, housing facilities and so on. Many of such facilities which contributed substantially for the formation of a conducive social environment for the third gender started in the year 2008 or before. Tamil Nadu also have a traditional festival for the

transgender which associated with a village *temple*; a place of worship. Transgender across the country come to this particular village to take part of the festival to celebrate the collective identity of the community. All these efforts of the state and community are part of their urge to strive for visibility through various social forums.

The emerging situation in Kerala throws light on the evolving visibility and acceptance of the transgender in the state. The unveiling of a transgender policy which envisages the eradication of stigma and discrimination of the community is a first of its kind in India. Formation of a welfare fund board, introduction of educational aid for trans-students in schools and higher educational institutions and introduction of elderly pension are other significant steps in the recognition of the transgender of the state. However, any such effort could become a success only with the proper addressing of the stigma and discrimination which is prevalent in the civil society against the third gender for long time. Sheethal Nayak, who migrated from Northern Kerala to Pondicherry around twenty years ago, expresses her wishes to go back to her hometown just like her counterparts who migrated to other parts of the country if the state intervention could succeed in creating a better social environment for the transgender in Kerala.

Conclusion

Many of the members of the transgender community often migrate to places that are beyond the geographical limits of their states/countries fleeing exclusion and denial of rights and opportunities they experience in everyday life. This stream of migration seems to be

more to those places where they get relatively better acceptance and visibility. This is not a trend which exists only in Indian states but can be found in various other countries as well in different forms. State can play a very significant role in affirming the rights of this marginalised sexual minority through multiple strategies. The role of legal interventions

and other structural changes may lead fundamental changes in the trajectories of the third gender and its inclusiveness. Ensuring constitutional rights and guarantee affirmative action for providing welfare activities for the third gender could contribute to the inclusion and assimilation of the transgender persons into the mainstream of the society.

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