

The Razor's Edge of Oppositionality: Exploring the Politics of Rights-Based Activism by Transgender Women in Tamil Nadu

By Padma Govindan and Aniruddhan Vasudevan

Introduction:

In what way does the modality of rights-based activism affect the queer community's on-the-ground struggle for equality and challenge the macro-structure of heteronormativity? As a result of pre-extant structures of social recognition in the South Asian HIV/AIDS activism discourse, political action demanding recognition of their individual civil identities, and ongoing engagement with issues of economic justice, Tamilian transgender women (known as *aravanis*¹) have become the most public of sexual minorities in the state of Tamil Nadu. A group of *aravani* activists have forged a social movement in this decade that has successfully procured certain civil rights such as the possession of ration cards, voters' identity cards, passports, and the constitution of a special welfare board with the specific task of addressing their community's social exclusion at the state and local level.

This essay interrogates the roadblocks and dangers that lurk in the way of social transformation. In presenting an overview of these developments, we begin with the *aravanis*' initial demand in 2003 for ration cards and voter identity cards. In the purview of this essay, this interrogation takes a closer look at a few issues – the state's framing of the *aravani* identity, the confusions around nomenclature, and the mechanics of visibility. Besides problematizing the way the state frames the transgender identity in order, as it were, to justify making it a beneficiary of welfare measures, this essay draws attention to the bureaucratic confusions around the official gender category to be assigned to *aravanis*. This is not merely an issue of nomenclature, but is symptomatic of both the foundational and problematic nature of the gender binary within locations of reductive and productive social institutions.

The question, then, is not just one of recognizing a third gender category and energizing its individuals with rights, entitlements and welfare schemes, but in allowing the concomitant bureaucratic discomfort to make state processes self-reflexive of their binary foundations. While these engagements with the state and its institutional structures

on the part of politicized *aravanis* have demonstrated the core tenet of rights-based activism that “counter-hegemonic political practices reflect the belief that the processes of law can be forced to reflect the ideals of justice, however imperfectly, incompletely, or unwillingly” (Menon, 262: 1999), our concern is also with the possible slippages *inherent* in any movement’s attempt to pursue social justice through the law. Specifically, we contend that given the Indian state’s deep-seated anxiety about destabilizing gender and sexual binaries, the problematic use of techniques of visibility on the part of the *aravani* community, and the inadequacy of employing engagements with the State in an isolated fashion raise the troubling specter of the public de-coupling of queer gender and sexual identities from their challenge to social heteronormativity, as well as an erosion of the politics of oppositionality in the queer movement as a whole. The oppositionality of queer identities to notions of legitimate sexual and gender subjects lies in their “threatening presence exposing the grounds of the legitimate subject as based on erasures and exclusion” (Kapur, 91: 2005). Transgender identities not only mark the boundaries of normative definitions of gender and sex, but also expose the mechanisms by which such normativity functions, and the hegemonic purposes those mechanisms serve. Does the process of *integration* or *mainstreaming* of such subjects and their transformation to legitimate subjects necessarily point to a thorough engagement with these regulatory mechanisms?

Besides the *aravani* community’s necessary and crucial civil-rights activism, there needs to be a more complex and long-term engagement with the incompleteness of legal processes in securing broader social justice, and the attendant necessity of building a public movement towards questioning the very foundations of gender and sexual inequality in social structures both within and outside the purview of the state—a proposal for which we will pose a few possible approaches at the conclusion of this essay.

A History of Actions:

In order to orient the reader, we have assembled a history of actions on the part of the *aravani* community in Tamil Nadu to secure rights and protections under the law. Although the history of transgender involvement in the Indian queer visibility movement

dates to the mid 1990s with international aid agencies such as the World Health Organization (WHO) and UNAIDS identifying their communities as being at risk for the HIV infection, the start of anti-prostitution and trafficking activist movement in India, and the subsequent flood of international grant and donor money into the Indian non-profit sector, a community-based initiative to address issues of rights and identity did not truly coalesce—at least in Tamil Nadu—until 2003ⁱⁱ. Priya Babu, founder and director of the Social Integrated Development for Aravanis (SIDA) Foundation and a prominent transgender activist in Tamil Nadu, describes the beginning of the movement from a strictly HIV/AIDS context to a rights-based discourse this way:

“I had been working in the HIV/AIDS field since 1998. Both in Bombay (Mumbai) and Chennai. I had a lot of issues with that work, personally. I was not sure if there was any way of knowing if the work we were doing was bearing fruits...So at some point I dropped all that work and went to Theni to work” (personal interview, 2008).

After moving from Mumbai to Theni in 2003, Priya began working for a non-governmental organization (NGO) called Arogya Agam, setting up self-help microfinance groups and small businesses for transgender women in the Theni district.

When the members of the NGO decided to begin the process of formal registration with the state of Tamil Nadu, they were asked by Registrars’ Office if the designated NGO president had an official proof of identity, such as a ration card, electricity bill, or even a bank passbook. Because none of the members of the NGO had formal identity papers, they decided to open a bank account and present that documentation as proof of identity to the Registrars’ Office. “When we thought about it,” says Priya, “we thought opening a bank account was the best idea... But then the first question they asked us in the bank was if we had ration cards! That kind of depressed all of us – the fact that we could not even open bank accounts” (personal interview, 2008).

At this point, Priya and other transgender women decided to speak to Ms. Rajani, president of the Dalit Thozhamai Mayyam in Madurai. Rajani describes her reaction to the *aravanis*’ needs this way:

“I had to engage with them meaningfully to understand *aravanis*, their desires, their urge to cross gender boundaries, and the social exclusion

they faced. For me at that time, it boiled down to the issue of having the right to choose one's gender...And I felt that that choice must be respected and the civil rights of the persons making that choice must be protected. Whether I want to be male or female is my choice" (personal interview, 2008).

Over the course of the next three months, through a process of regular consultation with Rajani, the group decided to petition the Chennai high court for ration cards. This advocacy work required money for filing petitions and constant travel between Theni, Madurai, and Chennai, which Priya and the other women financed through begging and monetary help from Rajani.

On March 6th, 2004, a writ petition was filed in the Chennai High Court asking for ration cards for transgenders. It should be noted here that the Tamil Nadu Social Welfare and Nutritious Meal Program Department had already issued a government order in October, 2003, detailing the need for a subcommittee to study the "problem relating to the rehabilitation of eunuchs"ⁱⁱⁱ in response to the major committee meeting on the "prevention of trafficking and combating commercial sexual exploitation of women and children" (Tamil Nadu Government Order 201, 2003). There is no mention in the government order of addressing the transgendered individuals' need for official, state-recognized forms of identification, or elaboration on the meaning of "rehabilitation". It is not clear whether this subcommittee convened at any time during the court hearing on the petition.

At the suggestion of Rajani, Priya and the other transgender women involved in filing the petition moved to Chennai and began attending court everyday. Simultaneously, this foundational group of 15 *aravanis* were involved in other ongoing initiatives to create visibility and a support network for transgender women in Tamil Nadu. They registered the Sudar Foundation for transgender advocacy and economic empowerment, and also formed a theater troupe, Kanadi Kalai Kuzhu. C.K. Gariyali of the State Women's Commission compiled a report on the status of transgender-specific rights in other countries, which the group presented at court.

Finally in July of 2004, the High Court of Tamil Nadu announced that transgender individuals could choose either "male" or "female" as their gender when applying for

official identity documents. In their petition the group had asked for a third gender to be added to official documents, and so they were not entirely satisfied with the judgment.^{iv} However, lacking both the funds and the wherewithal for another protracted legal battle, they decided to accept the announcement for the time being. Also, district collectors in Kanchipuram and Vellore began offering free and subsidized housing to aravanis under government schemes such as the Indira Awaas Yojana^v

Energized by the very public announcement of state-sanctioned legitimacy, more *aravanis* began actively engaging in issues of economic justice and visibility by forming self-help groups, working with other NGOs on alternative livelihood training for transgender communities, and forming cultural performance troupes. Around this time, the Centre for Social Initiative and Management began offering a one-year masters degree in social work for *aravanis*. Many of the women who received degrees found jobs in NGOs and social justice organizations. As a strategy for continuing to involve the state in the ongoing socio-cultural activism that they were organizing, Priya and her colleagues sent letters of invitation to various government officials for events and performances that they staged, particularly when those events concerned the ethics and accessibility of sex-reassignment surgery. It is illegal for private hospitals to perform sex-reassignment surgeries (or SRS, as it is commonly known), a fact that does nothing to prevent its occurrence, but merely increases the number of under-the-table procedures conducted by doctors and dangerous “village” surgeries conducted by laypersons. In fact, the full legalization of SRS and the creation of ongoing counseling and assessment for individuals seeking the surgery are issues of continuing importance for *aravani* activists.

In December, 2006, the state subcommittee on transgender welfare (formed in 2003), re-convened to issue a second government order with recommendations to the state government in order to “improve the living conditions of the Aravanis (sic)”, which the state agreed to instate. The recommendations of the subcommittee included large scale counseling and sensitization programs, particularly for children with “behavior changes” in schools and their parents, as well as counseling for MSMs (men who have sex with men, but are not gay-identified) *against* pursuing sex-reconstruction surgery. In addition, the government order issued a raft of guidelines for disciplinary actions against schools and colleges who refused to admit *aravanis*, small loans and training programs

for *aravani* self-help groups, and information for medical institutions should they receive patients who wish to undergo SRS after counseling, and quarterly “grievance day” meetings with collectors to address the distribution of ration and identity cards. The list of recommendations also suggested conducting a large-scale, comprehensive study of the “behavior and life style” of *aravanis* in Tamil Nadu with the aim of “giving full rehabilitation for their improvement and upliftment of life.”

The cumulative effect of activist efforts from the transgender community and government sanction resulted in the constitution of the Aravani Welfare Board in May, 2008, established specifically to address the issues of *aravani* constituency in Tamil Nadu. The board includes ten official members who vote on and pass policy decision, and ten unofficial *aravani* representatives (of whom Priya Babu is one) who act in an advisory capacity. In the same month, in response to long-standing demands from the community and after intervention from the newly-formed Aravani Welfare Board, a third government order was issued guaranteeing reserved seats to transgendered individuals in Tamil Nadu colleges and universities^{vi}. In June, 2008, Priya Babu and K. Dhanam submitted a petition to the central government’s Parliamentary Grievances Committee arguing for nominated representation for transgender women in both the state and the central legislative assemblies. In this petition they refer to the seat reservations available for the Anglo-Indian community in the Parliament and made a similar case for the transgender community, whose members are too scattered throughout different constituencies to be able to amass community vote banks. As of December 2008, there has been no forward movement with regards to addressing their petition. Priya and Dhanam attribute the committee’s silence on this issue to the general silencing of discussion of the Women’s Reservation Bill from national debates.

In August 2008, a few of the *aravani* organizations came together under the banner of the Federation of Indian Transgenders (FIT) to constitute a body that will ensure the proper functioning of the Aravani Welfare Board as well as the execution of the several policy-level changes made by the state government. SIDA Foundation (Priyababu), Sahodari Foundation (Kalki), Transgender Rights Association (Jeeva), South India Positive Transgender Foundation (Dhanam), Anbu Trust (Viji), Sudar

Foundation (Vasanthi), Erode Aravanigal Association (Santhamma) and Trichy Transgenders Association (Sonali) right now constitute the Federation of Transgenders. “When we are the level of policy changes and welfare measures, it is important that the different groups and organizations united under a banner to ensure all these happen smoothly,” says Dhanam (Personal Communication, 2008).

Even a brief glance at this history illustrates the vexed nature of dismantling the gender binary in the non-theoretical, on-the-ground reality—highlighting both the sites for collective resistance as well as the silencing of less visible individuals and unpopular attitudes through collective action. In the following sections, we will explore both the advantages of employing a rights-based empowerment discourse in drawing visibility to a marginalized community, as well as the problematics of engaging with the nation-state and the limits of its decidedly non-neutral legal framework. The coalescing of the transgender political consciousness around and through a rights-based discourse of political visibility is certainly evident in the history of actions we have assembled, and the work of politically active *aravanis* like Priya Babu and their allies, such as Rajani, illustrates the efficacy of consistent utilization of state machinery to lobby for specific material goals. The actions of this particular band of *aravani* activists over the course of the past five years present a complex nimbus of intersections between the private politics of individuals, rights-based activism based on both the pursuit of individual rights, and an idealized vision of community empowerment. In the following sections we will explore the use of political techniques utilized by members of the *aravani* community-- techniques that focus on the conferring of state-granted legitimacy and rights--and interrogate the implications for individual and community visibility within the queer discourse.

Constituting Selfhood: Techniques of Visibility and Debates Within the *Aravani* Community:

Any analysis of a political, rights-based movement demands a close examination of the techniques of visibility, inter-community tensions, and the nature of that movement’s engagement with processes of government. The *aravani* community in

Tamil Nadu is marked by a multiplicity of voices, identities, and values that frequently become stifled when the real social stigma and violence they face is defanged and brought in line with the state project of “rehabilitation”. The *aravani* activist effort must contend with the silencing of those disruptive voices and the potential erasure of radical and limit-test subjectivities through a civil rights discourse if the movement is to coalesce into a larger public dialogue. In this section we will examine the specific example of the simultaneous silencing and pragmatic use of visibility as a politic technique of presenting an image of an unbroken, smoothly connected historical past as a transgendered body.

Male-to-female transgender people of India have traditionally organized themselves in communes, usually called “*jamaats*”.^{vii} A unit of this matriarchal structure features an older *hijra* or *aravani* as a “*guru*” (or mother-figure with several *chelas* (younger, newly initiated *hijras/aravanis*) as her acolytes. There are elaborate rituals that mark one’s entry into a *jamaat* and acceptance as a *chela*. These rituals, with their mytho-religious underpinnings^{viii} bind them to a structure of kinship in which relationships, roles and duties are both implicitly suggested and explicitly performed. Among these duties include the tribute of money by *chelas* to *gurus* from begging, sex work, or other forms of employment, obedience to community norms with regards to behavior and dress, and affectionate devotion. *Gurus* are expected to provide guidance, emotional support for the young *chelas*, and advice about undergoing castration. This community structure, while looser and less binding in south India than in northern regions of the country, nevertheless provides one of the few real-world (and admittedly rigidly hierarchical and problematic) models for *aravanis* in how to organize as a family and community after establishing a public transgender identity.

It should be noted at this juncture that the *jamaat* system frequently fosters violent and coercive behavior between *gurus* and *chelas*, in no small part due to the pressures to earn money and support community members in the context of a larger social stigma. For example, in July 2008, Devayani, a young transgender woman living in Chennai, committed self-immolation allegedly in response to harassment from her *guru*, Jaya. Latha, a friend who tried to save her from the flames, survived while Devayani suffered third-degree burns and died at the hospital a few days after the incident. Jaya was charged for extortion and abetment of suicide. The incident accentuated the existing tensions

within the *guru-chela* system and emphasized its profoundly hierarchical and potentially repressive possibilities, while also highlighting the inability or unwillingness of the newly-constituted Aravani Welfare Board to publicly address issues of violence against and within the community. There was little intervention from the Aravani Welfare Board during or after the Latha – Devayani episode.

At the same time, there is a valid argument from both older and younger members of the *aravani* community that the effort to “mainstream” transgender women by the Tamil state and *aravani* activists can lead to an erasure of all that is oppositional, subversive, and empowering about the re-authoring of heterosexist Indian traditions by the *aravani jamaat* religious practices. For example, in her book *Aravanigal samugya varaiviyal*, Priya Babu refers to a popular *aravani* religious event, the Koovagam Festival, which takes place annually at the Koothandavar temple in the Villupuram district of Tamil Nadu. “Even the name ‘*aravani*,’ though of recent usage,” she writes, “bears permanent reference to the story of Aravan in the Mahabharatha. *Aravanis* see themselves as that transgendered aspect that Krishna assumed for a night to marry Aravan, to fulfil his wish for conjugal union before his sacrifice to the gods the next morning...Even today, at Koothandavar Temple in Villupuram district, *aravanis* congregate every year to commemorate this narrative. Ecstatic celebrations of their marriage to Aravan are followed overnight by their sorrow of mourning for their dead husband” (2007, pp. 17). This festival, in addition to being a common gathering point for *aravanis* in south India, also serves as an empowering space in which to publicly worship and re-write the framing of religious texts from a genderqueer perspective and as a subaltern re-reading of an episode from the Mahabharatha. However, the reformist tendencies of the state processes are revealed in the following observation made in *The Hindu* in a news item on the *aravanis*’ response to the constitution of the Aravani Welfare Board: “K.M. Ramathal, of the Tamil Nadu State Commission for Women, said the transgenders had rights to celebrate, but by taking part in certain rituals like tying the ‘*thaali* and removing them’ in Koovagam, the transgenders were only lowering themselves” (6 May 2008).

In acknowledging the historical context of the *jamaat* system, many *aravani* activists point to its storied past as an instance of the respect transgendered women received in the medieval Mogul courts, as well as to the mention of transgender women in ancient south and north Indian texts such as *Silappadikaram* and the *Mahabharatha*^{ix}, as an legitimizing example of the *aravani* place in the Indian tradition, and as a way of drawing a sharp distinction between the de-stigmatized identity of *aravanis* in the past and their marginalized identities in the present. Simultaneously, many *aravani* activists decry the violence, rigidity, and acceptance of heterosexual feminine norms within the *jamaat* system as primitive and incompatible with the modern identity as citizen. Several younger *aravanis* have publicly expressed discontent with the traditional structures and find them restrictive and undermining in their pursuit of civil rights:

For the younger generation today, certain things are being obstacles...In today's context, when we go to work fighting for rights. When they say, "I am your *naani*, I am your *guru*. You should obey me. Sit down. Do this, do that, massage my feet," it is an impediment in our rights-based work in the world. We accept their opinions. Elders (in the community) must also listen to us. (Revathi, 2005, pp. 21)

The use of a strategic essentialism, to borrow Gayatri Spivak's term (2006, pp. 63) certainly has its political uses by presenting the *aravani* identity as homogenous across the population, part of a supposedly blameless and glorious Indian past, and thus deserving of civil rights and social acceptance. However, this technique of visibility has the effect of denaturing all that is subversive, sexual, and liberatory about the traditional *jamaat* practice—preventing an honest community appraisal of what is both an oppositional and oppressive alternative social system, while giving it the sheen of non-threatening tradition. Ultimately, without a space in which to openly assess the internal struggles of the community and acknowledge the sheer multiplicity of voices and values within the *aravani* population—a space that the Aravani Welfare Board does not appear to provide—the uses of strategic essentialism^x effectively erase the shifting strategies that give *aravani* identities and desires the strength of opposition and draw the larger identification of the community under the purview of state-defined identities in the name of attaining provisional rights and privileges.^{xi} We are tempted to argue that the sense of

individuation that is inherent in the demand for and bestowment of civil rights is in some senses antithetical to community structures that are strictly vertical and hierarchical. The issues and arguments here need to be teased out without falling into the traps of some simplistic binary framework of tradition and modernity where the individuation emphasized by the discourse of civil rights is somehow perceived as detrimental to traditional collective arrangements. Another troubling binary in which this debate is framed is that of communing and mainstreaming, with the latter (problematic) concept dreaded – many times understandably – as a process that tolls the death knell for rituals and traditions that hold the community together and give it a sense of coherence and narrative power.

Spectrum of Visibilities: The Possibilities and Limits of Rights-Based Activism

It is theoretically possible to situate the current *aravani* mode of activism as a third space between complete political marginalization on one hand and the hypervisibility attendant with the “othering” of communities through the dominant international human rights discourse on the other. However, the reality as it is lived on the ground problematizes such a space as a vehicle for transformative social justice work simply because the nature of state-based social intervention can *in itself* be a tool for the blunting the edge of oppositional politics and socio-cultural identity. This blunting can be affected by positioning policy changes and welfare schemes as vacuous amelioratory measures and not as means for larger dialogue and change. Moreover, as it happens in the case of *aravani* and the government of Tamil Nadu, it is crucial to resist recognition based on sympathy for alleged abnormality and freakishness. This kind of recognition hits at the fundamental self-definition and the collective self-respect of the *aravani* community community

By way of example, the Tamil Nadu state’s framing of *aravanis* as a marginalized community is a site of tremendously problematic assumptions about the nature of gender and non-heterosexuality, the language of which requires interrogation in order to assess the *aravani* political movement as a whole. As mentioned earlier, the state-issued government orders dealing with the rights of *aravanis* have tended to assume a paternalistic mode of protection that imagines the *aravani* body and selfhood as one of

psychic disorder and sordid lifestyle choices. In the 2006 government order, it is noteworthy that the subcommittee described *aravanis* as suffering from a “disorder”, thus rendering them the blameless victims of biology and deserving of government aid: “*Aravanis* are biologically born male who define themselves as a ‘women trapped in a man's body’. This *behavioral disorder makes them behave like girls*. Most of the *aravanis* left their Home (sic) and after joining their community live miserable lives, seeking out a living by begging, dancing and prostitution; thus becoming vulnerable to diseases like HIV/AIDS” (Tamil Nadu Government Order 199, 2006; emphasis added). The government order then continues to mandate a program of “identifying remedial measures” through the financing of self-help groups, counseling, and research into ongoing measures to give *aravanis* “full rehabilitation for their improvement and upliftment of life”. This statement echoes the sentiment expressed in the 2003 government order that “the problem relating to the rehabilitation of the eunuchs need (sic) a detailed study”. The implication is that the transgender identity is a psychological or biological disability that must be ameliorated through mainstreaming with so-called “normal” society. It is clear from the language used in these official documents that in the state framing of *aravanis*, they occupy a position of such marginalization, “ignored and treated with contempt and disgust by all the sections of society” (2006), that their claim to the rights and protections of citizenship are not, in fact, based on their status as full citizens, but on their freakish position outside the bounds of mainstream norms and the necessity of drawing them into the bounds of normative social existence and regulation.

It appears that despite acting as a radical rupture in the business of bureaucratic wrangling, the political activism of the *aravani* community in Tamil Nadu (reaching its apotheosis in the establishment of the Aravani Welfare Board in 2008) also represents the continually vexed relationship between marginalized individuals and the state the purports to represent them, as well as the difficulty of using the human and political rights discourse to dismantle or publicly problematize issues inequality and systemic violence as they relate to gender, sexuality, and desire.

In order to explore the mechanics of this discourse, it is first necessary to define the boundaries of the terms “invisible”, “visible” and “hypervisible”. For this, we turn to Arvind Narrain’s 2004 monograph *Queer: Despised sexuality, law, and social change*.

Narrain describes the politics of queer visibility as a series of “effects” resulting from social and cultural intolerance. Invisibility is described as the effect of smothering queer individuals and queer cultures and to “invisibilize the contributions of queer culture and queer people to Indian culture, history, and society” (pp. 7). He extends the boundaries of visibility to include hypervisibility: “the reconfiguration of the ‘absence’ which becomes a presence when it comes to being objects of the criminal law, figures of derision in the media, or victims of a pathological condition in the medical discourse” (*ibid*). Narrain then posits the existence of a third space of agentive visibility, one in which queer individuals and communities define *themselves* and their sexual and gender identities, rather than being defined by oppressive social structures, through producing oppositional structures. He qualifies this possibility by stating “(Any) advocacy effort, including the use of the law, will have to work at...pointing to an alternative culture of resistance based on a critique of institutions, such as compulsory heterosexuality, family, and the state” (p. 8). However, it is also important to note that both visibility and hypervisibility call forth the possibility of a resedimenting of normative identities and reproducing forms of marginalization—for example, of queer women and transgender individuals--within the queer community itself.

The question of visibility has to be attached to an interrogation as to whether the visibility in question is a deliberately modulated one that risks homogenization in its presenting of a uniform community identity. Such a pragmatic presentation of community identity could necessitate the erasure of other, more problematic, identities, voices, and bodies. In talking about her work with Sahayatrika, a support and advocacy network for lesbian and bisexual women in Kerala, V.N. Deepa articulates these fissures in the use of visibility as a political tool: “Visibility continues to be both empowering and disempowering for sexuality minority movements, and we must all grapple with its contradictions...It seems we need to adopt a multiplicity of strategies; we need to create both spaces of safety and privacy, and continue to make interventions in the public sphere” (2005, p. 193-194). Though Deepa’s comment emerges in the context of media scrutiny of human rights defenders, it is telling in pointing out how not all visibility is empowering or transformatory. Moreover, visibility and the mechanics of visibility are often informed by an exclusion of a multiplicity of voices from the discourse under

creation. By continuously referring to *aravanis* as “eunuchs” in the Governments Orders, the State does not only display its ignorance about this gender identity, but also conflates all complexities into one category of ‘castrated males.’ This attempt to understand and name what currently defies intelligibility (transgender self-identification) within the gender binary in terms of an existing, though agentially impoverished, category (“eunuch”), could be detrimental to the very notions of a sexual and gendered selfhood. Moreover, this seemingly innocuous identification of male-to-female transgender identity with “eunuchs” betrays a tendency to locate the transgender experience almost exclusively in the surgical terrain of castration, emasculation, and sex reassignment (discussed later). The implications this has for the pre-operative transgender women or the ones who cannot, for several reasons, undergo the surgery are enormous.

Dismantling the Gender Binary—the State’s Ambivalence and the Community’s Confusions:

The issue of agreeing upon a gender tag for male-to-female transgender people is an excellent illustration of questions of multiplicity of perceptions. The Tamil state appears both ambivalent and confused as to the implications of dismantling the basis of gender binary within a legal and policy framework—a confusion, it must be added, that is mirrored within the *aravani* community itself. For example, *aravanis* are interchangeably referred to as transgender, eunuchs, and *aravanis* in official government documents; the official identity of “E”, “T”, and “F” are available for various official identity papers. There exists a tremendous degree of uncertainty and confusion at the bureaucratic level over the appropriate gender designation of *aravanis*, due to a kind of inconsistency in implementation of the state order; on some official documents, such as voter identity cards and ration cards, *aravanis* can only choose between “male” and “female” as their gender identity. However, on other documents, such as passport applications and, as of May, 2008, college applications under the newly-established transgender quota, *aravanis* can actually pick “*aravani*” or “eunuch” as their official gender identity. (Strangely enough, the reserved seats for *aravanis* at colleges and universities are categorized under the quota for women’s seats, which presumably implies that *aravanis* constitute a special

sub-category of women.^{xii}) Thus, it has become common for transgender individuals to be simultaneously male, female, *and* transgender for the purposes of legal identification.

This lack of specificity does not emerge out of happy intentionality. Though it seems like a victory for self-identification, the simultaneous prevalence of different categories under which *aravani* are *allowed* to identify has become a perceived roadblock in the very functioning of the Aravani Welfare Board. One of the primary tasks the Board has set for itself is the *aravani* census and mapping. As an agency set up to administer welfare measures for a specific community, it is but natural for that agency to desire to have a grasp on the demography of this delocalized community. Besides the fact that the census program has not really been implemented as of December 2008, what is of interest is the anxiety surrounding who qualifies as being identified as transgender for the purposes of legal definition. Geetha Jeevan, the chair of the Aravani Welfare Board, said that the community should make that decision and that she hopes the engagement with the *aravani* members of the board will help them arrive at some criteria. Meanwhile, Noori, a transgender woman and prominent anti-HIV/AIDS activist, expressed misgivings about the institutionalization of transgender identity as a separate category: “I do not know how far it will work. I feel the option to choose “male” or “female” had fewer issues with it. Now who can identify as TG? All who have undergone the emasculation? Also those who have not? Even those who don’t live in female clothes all the time?” (personal interview, 2008).

Though Priya Babu recognizes the problems of identification and self-identification this process entails, she feels that it is important to gain state legitimacy to the transgender identity and that mechanisms for establishing criteria can now be set in motion (personal interview, 2008). Rajani, a veteran in both the women’s and the Dalit movements, points to the need for a separate gender category, but out of a different concern: “the issues of *aravani* will get diluted because their gender status does call for specific recognition. I think the best way to go about it is to recognize them as a third gender category and bestow on that the civil rights and entitlements that they deserve as people...co-opting them into the category “Women” is a problem. The key issues are very specific and they will get diluted when categories are put together” (personal interview, 2008).

It might be that the need for a third gender category of official identification and the apparent need for its narrow specificity must be teased out. In the interest of the larger rubric of gender and sexuality politics where the protean nature of desires that inform identities are recognized and valued, it might be a worthwhile engagement not to debate the *need* for a category, but rather how inclusive any category can and should be. As it is, the politics of the transgender in Tamil Nadu has not only raised questions about the *authenticity* of the *aravani* experience, but also seems to have made transgender identity coterminous with *aravani* identity, leaving little space for female-to-male transgenders, however fewer they may be.

Marking the Body – Desires, Intelligibility and Recognition:

The issue of sex-reassignment surgery is one equally fraught with ambivalence within both the state bodies as well as the *aravani* community itself. The 2006 government order recommends the counseling of MSMs (men who have sex with men “as far as possible to prevent them from going into sex-reconstruction surgery^{xiii}”, while simultaneously requesting the Health and Family Welfare committee to “take up a decision regarding legalized sex-reconstruction surgery...for *aravanis* who are willing to take up the surgery even after counseling”. Just as within the *aravani* community itself there is seething debate regarding the validity of individuals claiming the transgender identity without getting the surgery, government bodies are having a similar difficulty deciding who, exactly, constitutes an *aravani* and what rights and protections should be given thereof. Geetha Jeevan, chairman of the Tamil Nadu Social Welfare Board, has acknowledged that the issue of both sex-reassignment and inconsistencies in official identities are thorny questions of policy that elude an simple catch-all solution (personal interview, 2008). However, an analysis of the language and structure of policies directed towards *aravanis* indicate a more insidious absence of awareness of the multiplicity of transgender identities and lived experiences. There also seems to be a simultaneous willingness to exclude individuals from accessing resources for the sake of establishing uniform guidelines and a profound difficulty in organizing those very guidelines in the face of such a complex refuting of the gender and sexual binaries on which the modern legal framework is predicated.

In a larger sense, these struggles over semantics and the details of implementing public policies represent a deeper anxiety over the disruption of established methods of regulating the identities of citizen and subject, as well as problematizing the very notion of rights through access, categorization, and exclusion. Judith Butler offers a useful re-framing of the question of officially addressing the gender binary:

“(Persons) are regulated by gender, and that this sort of regulation operates as a condition of cultural intelligibility for any person. To veer from the gender norm is to produce the aberrant example that regulatory powers (medical, psychiatric, and legal, to name a few) may quickly exploit to shore up the rationale for their own continuing regulatory zeal...What departures from the norm disrupt the regulatory process itself?” (Butler, 2004, pp. 52-53)

We argue that the state’s attempt to define and identify the valid *aravani* body, suffering, and identity is predicated precisely on a desire to draw *aravanis* into a “culturally intelligible” personhood. We also contend that the very nature of existing beyond the long-established legal and social gender binary eludes categorization within the framework of a policy-produced subject position^{xiv}. Hence, the deep-seated anxiety on the part of government representatives with regards to addressing the needs of the *aravani* community beyond the vague platitudes of “rehabilitation” and “upliftment”.

On the subject of the pursuit of equality through civil rights-based activism, we contend that the very processes of state regulation and oversight—surveys, census-taking, research—re-form the *aravani* subject as an *object*, a discrete category of identity into which some individuals may be placed and others removed. The move to identify criteria for legalizing sex-reassignment surgery, for example, sets up a condition for the very validity of assuming a transgender body, condition that some will be able and want to meet, and others will not. Urvashi Vaid, in her book *Virtual equality: The mainstreaming of gay and lesbian liberation*, describes the struggle for rights and recognition within the gay and lesbian activist community in the United States in a way that is apt for assessing the problems with the Tamil state’s framing of *aravani* rights:

“Civil rights are newly defined as a reward given by society for good behavior. Such rights are deemed benefits that society grants to some of its

constituents—the deserving minorities—rather than as basic human rights and values...When framed in the materialist language of law...the idea of civil rights becomes more about the realization of access than the institution of equity. Under a rights-based model, the social contract we seek is fulfilled by access to the system rather than actual equal treatment under it” (1995, pp. 182).

In light of this assessment, it becomes clear that state-level policy makers and representatives, while probably well-intentioned, have offered a deal of conditional privileges based on program of exclusion through definition and identification—a deal that the *aravani* activist community is taking up. While not overtly stated, these conditions are implicit and inform the very locations from which state responses *aravani* demands have emerged. As Michel Foucault describes in his essay “The subject and power”, the modern state acts “as a very sophisticated structure in which individuals can be integrated, under one condition: that this individuality would be shaped in a new form, and submitted to a set of very specific patterns” (2003, pp.132). The state’s ambivalence in its approach notwithstanding, there is risk of the *aravani* activist community uncritically accepting such a qualified set of governmental gestures as “rights.” It is not only that they can be taken away under any justifiable guise—the absence of funds for implementing programs, the growing demands of another marginalized group that “needs” more help, etc.—but that such program of protection and “rehabilitation” reconstitutes a transgender identity and experience away from its more liberatory possibilities and towards a new order of integration into a social structure that is still heterosexist and patriarchal on the condition of granting certain partial privileges and recognition. Ultimately, if the notion of justice through law, rather than existing as an abstract ideal, is itself contingent on the shifting prejudices and opinions of its public arbiters^{xv}, then it becomes necessary for those pursuing a larger social equality to question and critique the forms of justice and emancipation granted by the stakeholders of state processes.

Conclusion:

The critique that has emerged from our analysis of the process of *aravani* engagement with the Tamil polity is, fundamentally, a critique of the very nature of state-based interventions into issues of social inequality, and the efficacy of marginalized and subaltern communities developing a response to structuralized violence through simultaneous demands for individual rights and community aid. We have asserted through the course of this essay that such communal efforts towards public activism make necessarily pragmatic decisions regarding the hierarchization of concerns within the community to be brought to government attention, but that the danger of establishing a mode of resistance *primarily* through the rubric of civil (and thus state-granted) rights is the possible erosion of the political and social oppositionality of that marginalized community and the loss of its potential to publicly problematize deeper-rooted structures of oppression at the level of micro-interactions with private communities and individuals: families, neighborhoods, social groups, schools and offices. As Niveditha Menon points out: “Does the law have the capacity to pursue justice, and more fundamentally, can ‘justice’ be conceived of in a universal sense as suggested for example, by the term ‘social justice?’” (2004, 262). The demand for legal and constitutional reform is an active engagement with the polity, though the modality of that demand is essentially outside the purview of governmentality. Official change and accommodation of any sort bring with them dangers of complacency and the state-led co-opting of oppositional politics, blunting its edges, as it were. In other words, with the creation of categories for welfare and rights, the state could potentially set in motion a politics of appeasement where the hidden aim would be the deferral of true reform.

For example, the recent constitution of the Aravani Welfare Board could “well be the first step towards reversing the discrimination suffered by the transgender community,” as Vidya Venkat has observed (*Frontline*, 28 February 2008). But the possibility of this becoming a token gesture is very real in a setup where the *aravanis* are non-official members and hence lack real decision-making powers. Only a continuous interaction with the official members of the board and other policy makers, on the part of the community, will ensure that the Welfare Board does not become a placebo that presents the appearance of social transformation without its attendant social actions. It is

clear from examining the government orders that constituted the creation of the Aravani Welfare Board, as well as from our personal interviews and other source material, that rather than representing an active engagement with the fluidity of gender identity, the *aravani* community will be forced to repeatedly contest the state-sponsored reproduction of the public perception of transgendered individuals as psychopathologized, non-agentive subjects, and victims of poverty and disease.

Of course, our critique does beg the question: does any of this matter? After all, it can be argued that it is better as a marginalized individual to have a few conditional and problematic legal protections than none at all.^{xvi}

Arvind Narrain's views on the necessary simultaneity of legal reform and public movements point to an important requirement in translating legal change to social reality: "Any law reform which does not take into account a simultaneous change in the heterosexist attitudes of people which are constantly reinforced by existing societal structures such as family, religion, and media is bound to be fruitless...legal change can only be part of a *wider* process of social change" (2004, pp. 11, emphasis added). It is in this context that activities like the ethnographic work undertaken by people like Priya Babu documenting *aravani* cultural practices and arts, theater work by groups like the Kannadi Kalai Kuzhu, and the compilation of *aravani* self-narratives by Revathi, a transgender activist with Sangama, Bangalore, figure as some of the diverse efforts that have contributed to the cumulative strength of the movement. We further suggest a deeper commitment to both self-reflexive practices of assessment from within the community as well as building alliances—both strategic and personal—with other political movements.

In her essay "The struggle to be ourselves, neither men nor women: *Mak nyahs* in Malaysia", Khartini Slamah offers an inspiring vision of what a self-critical emancipatory transgender movement could look like:

"Over the years, our politics as transgenders has shifted considerably. We are no longer asking the law to recognize us simply as men and women—which is what earlier generations of transsexuals fought for—rather, we want a status that goes beyond the dichotomous structures of sex and

gender roles recognized within and by the law. We define ourselves using a mobile logic based on self-identification rather than corporeality...there is no one version of being a *mak nyah*. Some of us feel that it is important to have breasts, others do not. Most of us want a woman's shape but some of us do not see this as important. And only half of us feel that a sex change would improve our lives" (2006, pp. 110).

Slamah then goes on to describe *mak nyah* collaboration with other queer peoples in Malaysia: "Working with gay men at Pink Triangle helped us to understand that we carried many of the same prejudices as our families, society, and religion. We also learned that just as we are discriminated against on the basis of gender, gay men and other non-heterosexuals face discrimination because of their sexuality" (pp. 107). Any emancipatory movement demands an ongoing engagement with both the powers of the state, the desire for legitimation^{xvii}, and a critical stance towards the choices made in the attempt to achieve a space for oppositional desire and identity. This level of engagement with larger issues of heteropatriarchy and sexism *within* the community, as well as a critical approach to the pragmatics, risks, and limits of engaging with the state, can help sustain a movement beyond the specific pursuit of legal rights and also create a more equitable and accepting space both within and outside the community itself.^{xviii}

ⁱ Because the communities we are referring to in this essay are comprised primarily of male-to-female transgender individuals, for the sake of convenience, we will be using the terms "*aravani*" and "transgender" interchangeably. However, it should be noted that the debate over labels as identifiers of populations is central to the struggle of transgender communities for state-granted rights and social legitimacy, and that within this debate female-to-male transgender individuals are frequently denied visibility, in no small part due to the absence of a convenient vernacular term for use in identifying them as part of a community, as we will discuss later in this essay.

ⁱⁱ Though the surface perception is that the HIV/AIDS discourse's framing of *aravani*s as a "high-risk group" has led to a public view that now primarily imagines them in the disease context, the space has also served as a structure of recognition without which future act of political resistance would be difficult to identify as such. In this sense, the HIV/AIDS context has, however unintentionally, served as the most urgent and contemporaneous framework in which polity and the arbiters of public culture have had to re-imagine transgender women as subjects of modernity--albeit in terms of disease and infection. See Niveditha Menon's essay "Outing heteronormativity: Nation, citizen, feminist disruptions" for an excellent assessment of this phenomenon: "In India AIDS prevention is, in effect, the point at which disciplinary power and biopower's normalizing techniques intersect. The official discourse of HIV/AIDS control and the funding generated by it is extremely state-centric, and is about new ways of regulating and controlling sexuality and the population as a whole. However, its effects are uncontrollable, and spill over into forms of radicalization it could not have predicted or desired" (2007, pp. 6).

ⁱⁱⁱ As cited in Vidya Venkat's article on transgender rights for *Frontline* titled "From the Shadows", Asha Bharati, president of the Tamil Nadu Aravanigal Association has declared that the use of the term "eunuch" is a stigmatizing form of identification: "We are no longer the castrated men who guarded royal harems of Arab kings" (2008, February 29). This is a point of contention in the *aravani* community that the Tamil state institutions seem uninterested in examining.

^{iv} There exists a tremendous degree of uncertainty and confusion at the bureaucratic level over the appropriate gender designation of aravanis, due to a kind of inconsistency in implementation of the state order; on some official documents, such as voter identity cards and ration cards, *aravanis* can only choose between "male" and "female" as their gender identity. However, on other documents, such as passport applications and, as of May, 2008, college applications under the newly-established transgender quota, *aravanis* can actually pick "*aravani*" or "eunuch" as their official gender identity. Thus, it has become common for transgender individuals to be simultaneously male, female, *and* transgender for the purposes of legal identification. The larger implications of this state-induced anxiety over officially dismantling the gender binary will be discussed in depth later in this essay.

^v The Indira Awaas Yojana is a government program for constructing homes primarily for freed bonded laborers, and scheduled castes and tribes below the poverty line. A maximum of 40% of the IAY allocated funds can be used for the construction of homes for non SC/ST BPLs ("DRDA Dibrugarh", n.d.)

^{vi} Tamil Nadu Government Order 175, 2008.

^{vii} It is conjectured from the use of this Islamic term for communes and conventions that the system must have taken root during the days of the Nizams of Hyderabad.

^{viii} See Vidya Venkat's article for *Frontline*: Over the years, transgender persons have, as a community, developed their own parallel society with its unique language and tradition. They live in isolated communities...which follow a matriarchal family system. It comprises a *nayak* who as the chief of the clan appoints a *guru*—usually an elderly *hijra*—to initiate the *chela* (follower) into the group...Transgender persons have negotiated their space in society by appropriating religious and cultural beliefs...Till date *hijras* undergo castration with the ritual belief that they are sacrificing their maleness to get the blessings of the goddess" (2008, February 29).

^{ix} See Priya Babu's study of *aravani* musical traditions, *Aravanigal samugya vasairiyal*, for an example of this legitimizing technique: "The contemporary history of transgenders in India is one of denial of human rights and respect to one of its oldest known communities. References to transgenders, who are called *aravanis* in Tamil Nadu, are strewn all over Tamil literature, history, and hagiography. Tolkappiyam, the ancient Tamil treatise on grammar, does not only make a reference to male-to-female transgenders as "pedis", but decrees that they should be referred in the feminine gender of language. Silappadikaram, the grand epic that has a prominent place in the Tamil consciousness (the sixth-century Tamil epic), bears reference to the unique art practices of the *aravani* community" (2007, pp. 17).

^x See K. Sivaramakrishnan's essay "Situating the subaltern: history and anthropology in the Subaltern Studies project": "The point is that a shared moral economy is itself a contingent historical creation, which is modulated and contested, promoting both internal solidarity within groups and hostility across them. The subaltern may be used as a purely contrastive category, but to have force it must itself be critically disassembled"—disassembled, we would argue, from within the group itself.

^{xi} "The differences can also have to do with the *mode of subjection*; that is with the way in which the individual establishes his relation to the rule and recognizes himself as obliged to put it into practice...not only in order to bring one's conduct into compliance with a given rule, but to attempt to transform oneself into the ethical subject of one's behavior" (Foucault, 1984, pp. 27).

^{xii} "It is therefore not the biological category of 'woman; that required reservation, but particular kinds of materially located experiences that need to find space in representative institutions. The issue is not whether one can biologically become a woman at any point in one's life, but whether *experiences* of 'women' or different 'classes' or 'castes' can be written into parliamentary discourse—and these identities are not simply biological. If the experiences of *hijras*, among other identities, are to be similarly written in, then we must think more of radical alternatives than to divide representation simple between 'men' and 'others'. The experience of oppression of *hijras* is not reducible to the experience of 'women'...Moreover, precisely because 'everyone wrestles with gender to some degree', it does not seem to take us very far to

translate all political questions into the language of ‘rights’ for fixed and settled identities to be fitted within the framework of the existing modern state institutions” (Menon, 2007, pp. 26-27).

^{xiii} It is noteworthy that while many *aravanis* themselves refer to the surgery as “reassignment”, the state refers to it as “re-construction”. This begs the question of whether the state mechanisms view transgender people as needing to be put back in their “right” gender, or as deformed non-gendered people who need to be given an appropriate gender.

^{xiv} “This body becomes a point of reference for a narrative that is not about this body, but which seizes upon the body, as it were, in order to inaugurate a narrative that interrogates the limits of the conceivably human. What is inconceivable is conceived again and again, through narrative means, but something remains outside the narrative, a resistant moment that signals a persistent inconceivability” (Butler, 2004, pp. 64).

^{xv} See Niveditha Menon’s essay, “Rights, bodies, and the law: Rethinking feminist politics of justice”: “At particular moments ‘justice’ is constituted by specific moral visions, but the discourse of the law is predicated upon the assumption that justice can be attained once and for all by the fixing of identity and meaning. The meaning delivered by law as *the* just one then gets articulated in complex ways with other discourses constituting identity, and tends to sediment dominant and oppressive possibilities, rather than marginal and ones...(the) experience of ‘self’ and ‘body’ validated by feminism as ‘real’ acquires meaning precisely through an interplay of contexts, a movement that is halted by the rigid codifications required by legal discourse” (1999, pp. 264).

^{xvi} “The language of rights can be alienating and individualistic but since it refers to some desirable capacities and powers the oppressed should have, it can be empowering...in deconstructing the legal discourse, we would not be abandoning the terrain of law altogether. Rather, by making visible what has been repressed by emancipatory discourses of the bourgeois democratic revolution, we can recognize the extent to which engagement with the law continues to be inevitable and sometimes fruitful, but also in what ways such an engagement can run counter to our emancipatory vision” (Menon, 1999, pp. 278-288).

^{xvii} “I want to maintain that legitimation is double-edged: it is crucial that, politically, we lay claim to intelligibility and recognizability; and it is crucial, politically, that we maintain a critical and transformative relation to the norms that govern what will and will not count...This latter would also involve a critical relation to the desire for legitimation as such. It is also crucial that we question the assumption that the state furnish those norms” (Butler, 2004, pp. 117).

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