

Concept of Marginalisation in Indian Society: A Critical Analysis

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Introduction

The concept of marginality was first introduced by Robert Park (1928). Marginalisation is a symbol that refers to process by which individuals or groups are kept at or pushed beyond the edges of society. The term outsiders may be used to refer to those individuals or groups who are marginalised¹. The Encyclopaedia of Public Health defines marginalisation as, “to be marginalised is to be placed in the margins and thus excluded from the privilege and power found at the centre”,²

The concept of marginality is generally used to analyse socioeconomic, political and cultural spheres, where disadvantaged people struggle to gain access to resources and full participation in social life. In other words, marginalised people might be socially, economically, politically and legally ignored, excluded or neglected and therefore vulnerable.³ A great majority of people in the developing nations are under the line of poverty. They are deprived of adequate access in the basic needs of life such as health, education, housing, food, security, employment, justice and equity. The issues of sustainable livelihood, social and political participation of the vulnerable groups exists as the major problem in these developing nations, particularly in India. Governments have failed to guarantee people's rights in the implementation level. People who belong to the vulnerable groups are unable to acquire and use their rights.

Despite international commitments,⁴ individuals and groups experience differential access to food, education and health in India. The process of identifying vulnerable groups generated from the pressing reality on the ground that stemmed from the fact that there are certain groups who are vulnerable and marginalised lacking full enjoyment of a wide range of human rights including, rights to political participation, health and education. Certain groups in the society often encounter discriminatory treatment and need special attention to avoid potential exploitation. This population constitutes what is referred to as vulnerable or what is now-a-days called Marginalised Groups.⁵

Marginality is demeaning, for economic well being, for human dignity, as well as for physical security. Marginalisation/ deprived is generally described as the overt actions or tendencies of human societies, where people who they perceive to be undesirable or without

¹ Zulufkar Ahmad Khanday, Mohammad Akram, Health Status of Marginalized Groups in India, International Journal of Applied Sociology 2012, 2(6): at 60.

² George Ritzer “The Blackwell encyclopedia of sociology”, 2nd ed., Blackwell Publishing, USA, at 2765, (2007).
Online Available: <http://www.egyankosh.ac.in/bitstream/123456789/349231/Unit3.pdf>. (visited on September 15, 2013)

³ Supra note 1

⁴ Universal Declaration of human rights, International Covenant on Civil and Political Rights (ICCPR), The International Covenant on Economic, Social and Cultural Rights (ICESCR)

⁵ Yamin. Alicia Ely, “Learning to Dance; Advancing Women's Reproductive Health and Well-Being from the Perspectives of Public Health and Human Rights”, Harvard series on Health and Human Rights, Harvard School of Public Health, Harvard Univ. Press, London, 2005

useful function are excluded, i.e., marginalised. The people who are deprived/ marginalised are outside the existing systems of protection and integration. This limits their opportunities and means for survival.⁶

Nature of Marginalised Groups

Marginalisation is, to place in a position of marginal importance, influence, or power. Deprived/ marginalised is a multidimensional, multicausal, historical phenomenon. To relegate or confine to a lower or outer limit or edge, as of social standing. There are no general laws to understand and comprehend the complex nature of marginalisation. Marginalisation can be due to class, in relation to specific social, cultural, economic and political conditions as well as ideological systems, social awareness, and human action. Marginalised groups happen simultaneously at the micro and macro levels. Marginalised groups occur at different levels, i.e. individual, group, community and global. Discrimination across different social institutions, such as family, schools and neighbourhood, at work places, or places of worship. Many communities, as a result of colonization, experience marginalisation such as aboriginals, or women too face discrimination. Globalisation too has increased the gap between rich and poor nations. The influx of capitalism, information technology, company outsourcing, job insecurity, and the widening gap between the rich and the poor, impacts the lives of individuals and groups in many capacities.⁷

Types of Marginalised Groups⁸

Some broad types of deprived/ marginalised groups such as social, economic and political have been identified

- **Socially marginalised groups**

Social marginalisation is a process of social rupture or destruction, in which groups as well as individuals alike became detached from various types of social functions and relations. This generally prevents these people from functioning in the so called normal activities within a society. The individual is forced into a new system of rules while facing social stigma and stereotypes from the dominant group in society. Socially marginalised people are largely deprived of social opportunities. These are born into marginal groupings e.g., lower castes in India, or members of ethnic groups suffer discrimination. This marginality is typically for life. They lack the required social and cultural capital to participate in mainstream development processes. Their social networks are weak and vulnerable. They are deprived of access to resources, such as, economic, educational, cultural, and other support systems. This creates social isolation and limits their participation in the development process

- **Economically marginalised Groups**

Economic marginalisation means being unimportant to the economy. Some individuals or groups can be marginalised from the rest of the economy. The sources and amount of their

⁶ V.K.Maheshwari, Education of the Deprived/ Marginalised groups, available at <http://www.vkmaheshwari.com> (visited on October 9, 2013)

⁷ D. Pulla Rao, Empowering Marginalised categories in India- Problems and Prospects, Madhav Publications, 1st edition (2012), at 8

⁸ Supra note 6

income varies. Poverty and economic marginalisation have both direct and indirect impact on people's health and well being.

- **Politically Marginalised Groups**

Political marginalisation does not allow the group to participate democratically in decision making, and, hence, they lose their right to every social, economic and political benefit. In every society, lack of political empowerment affects large sections of people, including women, ethnic minorities, migrants and disabled persons, elderly.

Reasons Responsible for Marginalisation

Some of the important factors that are responsible for marginalisation are as follows:

- **Exclusion:** Marginalisation is a process that denies opportunities and outcomes to those living on the margins, while enhancing the opportunities and outcomes for those who are at the centre. Marginalised combines discrimination and social exclusion. It offends human dignity, and it denies human rights. Caste and class prejudice, in many societies across the globe, exclude many groups and communities, and hinder their active participation in economic and social development.⁹
- **Globalization:** Globalization has increased openness which has promoted development at the cost of equity. It is viewed that globalization has enhanced the gap between haves and have-nots and thus boosted marginalisation. While it is true that some middle income developing countries, as well as the most populous countries, India and China, are gaining out of globalization, yet the impact is not equally universal.
- **Displacement:** The development programmes implemented by the government and increasing construction of development project consistently displace a massive number of tribal, poor, and weaker sections. This results in marginalisation of already marginalised people.¹⁰

Most Vulnerable Marginalised Groups and their Position:

Following are the identifiable marginalised groups:

Women

Under different economic conditions, and under the influence of specific historical, cultural, legal and religious factors, marginalisation of women can be seen from their exclusion from certain jobs and occupations. Women belonging to lower classes, lower castes, illiterate, and the poorest region have been marginalised more than their better off counterparts. In India norms and cultural practices are rooted in a highly patriarchal social order where women are expected to adhere to strict gender roles. Women face particular forms of discrimination including internally displaced women, women in slums and sub urban settings, indigenous and rural women, women with disabilities or women living with HIV/AIDS, facing multiple forms of discrimination, barriers and marginalization in addition to gender

⁹ Dev Nathan and Virginius Xaxa, Social Exclusion and Adverse Inclusion (Development and Deprivation of Adivasis in India), OUP India, (2012), at 34

¹⁰ David Cox, Marginalisation and Social Development, at Social Development and the empowerment of marginalised groups: Perspectives and Strategies edited by Debal K Singharoy, Sage Publications Pvt. Ltd, 2002 at 56-57

discrimination. In Indian societies women face double discrimination being members of specific caste, class or ethnic group apart from experiencing gendered vulnerabilities. Women have low status as compared to men in Indian society. They have little control on the resources and on important decisions relating to their lives.¹¹ Violence against women in India cuts across caste, class and other divides. Normally it is estimated that 21% of women have experienced beatings or physical mistreatment by husband, in laws or other persons since the age of fifteen. Violence against women includes violence that occurs within the family or within the community in general. The main factor of violence is the inequality between men and women and discrimination faced by women in their day-to-day life. Now-a-days the violence against women can be conceptualised as an issue of power and social control over women.¹²

Marginalisation of women

The marginalisation of women in Indian society exists in the following forms:

- **Social marginalisation** may include sexual offences against women, female foeticide, denial of equality rights to women, violence against women both within home and outside
- **Economic marginalisation** may include denial of equal opportunities to women, relegation of women to status of mainly household workers, denial of maternity benefits, non payment of equal remuneration to women as men, denial of property rights, denial of maintenance rights
- **Political marginalisation** includes denial of women of equal opportunities in decision making, lack of representation in decision making bodies

Children

In India, children's vulnerabilities and exposure to violations of their protection rights remain spread and multiple in nature. The manifestations of these violations are various, ranging from child labour, child trafficking to commercial sexual exploitation and many other forms of violence and abuse. With an estimated 12.6 million children engaged in hazardous occupations, for instance, India has the largest number of child labourers under the age of 14 in the world. Those children working in the brick kilns, stone quarries, mines, carpets and zari industry suffering from occupation related diseases.¹³

Marginalisation of children

Marginalisation of children is manifested in the following forms:

- *Sexual exploitation of children*
- *Child labour*
- *Child marriages*
- *Child abuse*
- *Insecurity of children in India: coercion, dropout and exclusion*
- *Street children*
- *Children abandoned*

¹¹ H.C. Upreti, Nandani Upreti, Women and Problems of gender Discrimination, Pointer Publications (Jaipur), 2000, at 20

¹² Shobha Saxena, Crimes Against Women and Protective Laws, Deep and Deep Publications New Delhi (1995), at 9

¹³ Hajira Kumar, Social work and developmental issues 2005, Aakar Books New Delhi, at 176

➤ *Missing children*

People with Disabilities

People with disabilities have had to battle against centuries of biased assumptions, harmful stereotypes and irrational fears. The stigmatization of disability resulted in the social and economic marginalization of generations with disabilities, and thus has left people with disabilities in a severe state of impoverishment for centuries. Disability is essentially a social construct and reflects a flaw in the thinking processes of our society. Disabled people have always experienced exclusion and segregation. They have been prevented from using opportunities to make contribution to society with their fullest capacity. The person with polio does not have a problem; the problem is rather with the building which prevents his wheelchair to get inside or with the bus which stops him from riding in it or the taxi driver who ignores him on the roadside.¹⁴

According to the World Health organization,¹⁵ a disabled person is one who suffers from any one of the following:

- a) **Impairment:** It is concerned with abnormalities of body structure and appearance and with organ or system function resulting from any cause; in principle, impairments represent disturbance at the organ level.
- b) **Disability:** It reflects the consequences of impairment in terms of functional performance and activity by the individual; disabilities, thus, represent disturbances at the individual level of the person.
- c) **Handicap:** It is concerned with the disadvantage experienced by the individual as a result of impairments and disabilities; handicap thus reflects interaction with and adaption to the individual's surroundings.

Making the Declaration on the Rights of the Disabled Persons, the *General Assembly* (of the United Nations) at its plenary meeting on 9th December, 1975 defined a disabled person "as any person unable to ensure by himself or herself wholly or partly, the necessities of a normal individual and/or social if as a result of a deficiency, either congenital or not, in his or her physical or mental capabilities".¹⁶ A similar view was put forward in the 1976 General Assembly Resolution No. 31/123 dated 16 December 1976.¹⁷

Another international organization which has systematically tried to define the meaning of the term 'Disability' is *International Labor Organization*. In its Recommendation No. 99, it provides a clear and concise definition of the term 'disabled'. It says: "A disabled person is an individual whose prospects of securing and retaining suitable employment are substantially reduced as a result of physical or mental impairment"¹⁸

¹⁴ V.R. Krishna Iyer (1982): *Law Justice and the Disabled*, Deep & Deep Publications, Delhi, at 133

¹⁵ World Health Organization (1986): *International Classification of Impairments, Disabilities and Handicaps*, A Manual of Classification relating to the Consequences of Disease (1980) quoted by United Nations, Disability Situation, Strategies and Policies at 6-7

¹⁶ General Assembly Resolution (1975): 3447 (xxx) 9 Dec

¹⁷ By this resolution *United Nations* declared (1981): International Year of Disabled Persons

¹⁸ ILO Recommendation No. 99 (1984): *Recommendation Concerning Vocational Rehabilitation of the Disabled*, quoted in International Labour Standards on Vocational Rehabilitation, International Labour Office, at 11.

Indian Legislation with regard to industrial injuries and compensation seems to be in tune with the ILO's conceptualization of disability. The Workmen's Compensation Act, 1923 (an Indian Statute) categorizes disability as under: ¹⁹

- 1) *Temporary total disability is that period in which the injured is totally unable to work.*
- 2) *Temporary partial when disability period is that recovery has reached the stage of impairment so that the person may begin some kind of gainful occupation.*
- 3) *Permanent disability refers to permanent damage or loss of use of some part of the body after the stage of maximum improvement from orthopedic or other medical treatment has condition is been reached and stationery*

Again, India passing Parliament while the *Employees State Insurance Act, 1948* seems to be in line with the definition in disability given of ILO's as conceptualization of disability. The Act classifies and defines disability as under: ²⁰

1. **Temporary disablement:** *It is a condition resulting from an employment injury. This requires medical treatment and renders an employed temporarily incapable of doing the work which he was doing prior to or at the time of injury.*
2. **Permanent Partial Disablement:** *It is such disablement of a permanent nature as reduces the earning capacity of an employee in every employment which he was capable of undertaking at the time of the accident resulting in the disablement.*
3. **Permanent total disablement:** *It is such disablement of a permanent nature as incapacitates an employee for all work which he was capable of performing at the time of accident resulting in such disablement.*

Considering the modes of disabilities, the world of the disabled encompass four major categories; namely, ²¹

1. *The visually handicapped (blindness),*
2. *The handicap of speech and hearing (deafness and dumbness),*
3. *Orthopedically handicapped, and*
4. *The mentally handicapped (mentally retarded and mentally ill persons).*

Marginalisation of disabled

Disability poses greater challenges in obtaining the needed range of services. Persons with disabilities face several forms of discrimination and have reduced access to education, good health employment and other socioeconomic opportunities. In India, there is an increase of proportion of disabled population. It has been noted that there are more than 650 million people worldwide suffering from one or another form of disability (two thirds of whom live in developing countries), most have long been neglected and marginalized by the state and society. They are victims of physical, sexual, psychological and emotional abuse, neglect, and financial exploitation, while women with disabilities are particularly exposed to forced sterilization and sexual violence. It may take the following forms:

¹⁹ Section 2 (1) (g) *Workmen's Compensation Act (1923)*

²⁰ Section 21 (A) and (B) *Employees State Insurance Act (1948)*

²¹ M. Blaxter (1976): *The Meaning of Disability: A Sociological Study of Impairment*, Heinemann Educational Book Ltd., London, at 5.

- *Lack of Education and Employment Opportunities*
- *Social Exclusion of the PWDs*
- *Attitudinal Barriers*
- *The prevalence of architectural and environmental barriers*
- *Absence of special care for mentally retarded children*

People Living with HIV/AIDS

Despite the passage of a quarter-century since the AIDS/HIV infection was diagnosed, the stigma that surrounds it has not subsided. The number of persons who have become victims of this affliction has swelled to such staggering sums, that its enormous proportions have caused a global effort to be made to combat it. This is an epidemic that knows no borders of geography, class, caste, gender and sexuality.

India's socio-economic status, traditional social ills, cultural myths on sex and sexuality and a huge population of marginalised people make it extremely vulnerable to the HIV/AIDS epidemic. In fact, the epidemic has become one of the most serious challenges faced by the country since Independence. Still, India has the second highest number of people living with HIV/AIDS in the world after South Africa. India accounts for almost 10 per cent of the 40 million people living with HIV/AIDS globally and over 60% of the 7.4 million Persons Living with HIV/AIDS (PLWHA) in the Asia and Pacific region. Over 35% of all reported HIV/AIDS cases in India occur among young people in the age group of 15 to 24 years. **1986-1992, Denial of the Threat of HIV:** This was a period that saw the beginning of a largely research-based programme. Surveillance activities were launched in 55 cities in three states.

Marginalisation of people living with HIV/AIDS

Various types of marginalisation faced by people living with HIV/AIDS are as follows:

- **Marginalisation with respect to employment opportunities:** it may occur in following ways:
 - a) *PLWHAs are often denied jobs at the time of recruitment on account of their HIV status*
 - b) *HIV-positive employees are discriminated against by their co-workers*
 - c) *Such people are frequently terminated from employment altogether.*
 - d) *Compassionate employment and other benefits such as provident fund and gratuity to survivors of deceased HIV-positive employees.*
- **Exclusion from society:** dispassionate behaviour by the people in surroundings who know about the infection, in respect to people living with HIV/AIDS.

Sexual Minorities (Transgender Persons)

The term "transgender" is used most often to refer to people whose gender identity differs from their birth sex. The term 'transgender' has been derived from the Latin word 'trans' and the English word 'gender'. Different sorts of individuals come under this category. No particular form of sexual orientation is meant through the term transgender. The way they behave and act differs from the 'normative' gender role of men and women. Leading a life as a transgender is far from easy because such people can be neither categorized as male nor female and this deviation is "unacceptable" to society's vast majority. There is a significant lack of understanding of transgender people as human beings whose lives encompass a complexity which goes beyond the normative correlation between biological sex on the one hand and gender identity and sexual orientation on the other. A person who is biologically

male is expected to be 'masculine' and be attracted to women. However, a transgender person could be biologically male and often take on the gender identity of the other gender. In some cases, the transgender person might also want to alter the fact of biological maleness/ femaleness through a sex reassignment surgery (SRS). However, the above description does not exhaust the full range of transgender behaviour and identity. Transgender/ homosexual communities have existed in almost all parts of the world, with their own local identities, customs and rituals.. The transgender expressions of sexuality or gender identity are often hidden or stigmatized by the wider society. Resisting this stigma has been part of the long struggle for survival of the transgender community to live alongside the society at large. Of course it remains an open question as to what extent do they appropriate existing rituals and to what extent are they unable to escape from the circumscribed roles assigned to them.²²

Marginalisation of transgender persons

Marginalisation of transgender persons exist in the following ways: transgenders in India have virtually no safe spaces, not even in their families, where they are protected from prejudice and abuse.

- *Denial of identity*
- *Discrimination*
- *Violation of right of privacy*
- *Denial of other general human rights protection to all, regardless of sexual orientation of gender identity.*
- *Prejudice translated into violence, often of a brutal nature, in public spaces, police stations, prisons and even in their homes. The transgenders face many sorts of state and societal harassments such as:*

Harassment by the police in public places, Harassment at home, Police entrapment, Abuse/harassment at police stations and Rape in jails etc. The Indian state's policy of recognizing only two sexes and refusing to recognize hijras as women, or as a third sex (if a hijra wants it), has deprived them at a stroke of several rights that Indian citizens take for granted. These rights include the right to vote, the right to own property, the right to marry, the right to claim a formal identity through a passport and a ration card, a driver's license, the right to education, employment, health so on. Such deprivation secludes hijras from the very fabric of Indian civil society. The main problems that are being faced by the transgender community are of discrimination, unemployment, lack of educational facilities, homelessness, lack of medical facilities like HIV care and hygiene, depression, hormone pill abuse, tobacco and alcohol abuse, penectomy and problems related to marriage and adopt. In 1994, transgender persons got the voting right but the task of issuing them voter identity cards got caught up in the male or female question. Several of them were denied cards with sexual category of their choice. The other fields where this community feels neglected are inheritance of property or adoption of a child. They are often pushed to the periphery as a social outcaste and many may end up begging

²² Abhinav Sinha, Did God made only Adam and Eve(An insight into Legal Position of Eunuchs), available at www.legalserviceindia.com (visited on November 15, 2013)

and dancing. This is by all means human trafficking. They even engage themselves as sex workers for survival.²³

Conclusion

The Indian Constitution adopted in 1950 enshrines equality and social justice as the fundamental principles of the Indian democratic system. The aim of the Constitution is to empower the society and ensure the dignity of the individual and equality of status among all the citizens of India. These ideas are reflected in different Articles of the Constitution. Despite safeguards provided by the law of the land, marginalised sections of society like women, children, people living with HIV/AIDS, people with disabilities and transgender persons face various forms of discrimination in the society. Women form the unequal half of our society- in terms of vulnerability, marginalisation and exclusion in most of the cases, with few exceptions. Amongst all kinds of discriminations, female population of the country is struggling through the life: there are lot of issues to be addressed- falling sex ratio, poor literacy levels, weaker formal education levels, bad nutrition status, high morbidity and mortality, lesser leadership opportunities, lack of self-reliance, inadequate empowerment measures all these issues tend to affect this section predominantly, which is related to various socio-economic factors, environment, gender discrimination and domestic violence against women. Over 35% of the female population in India was out of the world of letters as per census 2001. Still there are 242 districts in the country where female literacy rate has not gone beyond 50%. Over 50% of the girl children are still outside formal education, wherein the country has put up a right to education act to ensure basic education to all within the age group of 6 to 14. Access of women to employment and direct income is also limited- their contributions to direct income are limited to 26% of the total. When access to power is seen, it is very limited for women- even with upto 50% reservation in elected positions, women's control over Panchayati Raj institutions are limited- and there is no reservations for assembly and parliament positions, leading to a situation near to absence of women in leading governance roles, though with some exceptions . India's female labour participation rate was just 29 percent in 2010. Women thus constitute just a quarter of India's 473 million strong workforces. Women's inequality may, have cost India's economy almost 4 percent of annual growth over the past 10 years.

Secondly, In India, children suffer from malnutrition or die of starvation and preventable diseases. According to UNAIDS there are 170,000 children infected by HIV/AIDS in India. The passing of the 93rd Amendment Bill (passed as the 86th Amendment to the Constitution) making education a fundamental right, should have been an occasion to rejoice. Instead it has become an issue for another long struggle because it only reinforces the lack of political will to make education universal and accessible for all. Beatings, abuse, physical and mental torture faced by the students in schools is one of the reasons for the high dropout rate. The Census found an increase in the number of child labourers from 11.28 million in 1991 to 12.66 million in 200. Nearly 11.8% children age 5-14 years works either for their own household or for somebody else. It is alarming that, in 2011, the Crimes

²³ Supra Note 37

against children reported a 24% increase from the previous year with a total of 33,098 cases of crimes against Children reported in the country during 2011 as compared to 26,694 cases during 2010.

Thirdly, there are more than 650 million people worldwide suffering from one or another form of disability (two thirds of whom live in developing countries), most have long been neglected and marginalized by the state and society. They are victims of physical, sexual, psychological and emotional abuse, neglect, and financial exploitation, while women with disabilities are particularly exposed to forced sterilization and sexual violence.

Fourthly, Total number of people living with HIV is 33.2 Million. Young people aged 15–24 living with HIV is 5.4 million. Children below 15 years living with HIV are 2.5 Million. The HIV/AIDS epidemic is hidden, often children of are from already marginalized groups such as sex workers (SW), Injecting Drug Users (IDUs) and spouses of Men who have Sex with Men (MSM). Limited number of people are testing for HIV. HIV/AIDS related stigma is very high.

Fifthly, Hijras (Eunuchs) in India have virtually no safe spaces, not even in their families, where they are protected from prejudice and abuse. The PUCL(K) Report on Human Rights Violations against the Transgender Community²⁴ has documented the kind of prejudice that hijras face in Bangalore. The report shows that this prejudice is translated into violence, often of a brutal nature, in public spaces, police stations, prisons and even in their homes. The main factor behind the violence is that society is not able to come to terms with the fact that hijras do not conform to the accepted gender divisions. In addition to this, most hijras have a lower middle-class background, which makes them susceptible to harassment by the police. The discrimination based on their class and gender makes the hijra community one of the most disempowered groups in Indian society. The systematic violence that hijras face is reinforced by the institutions such as the family, media and the medical establishments and is given legitimacy by the legal system.

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