

India's Third Sex, citizens without rights



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Monjib Mochahari 21 March 2009 16492 views

Their face is their fortune. Lipsticks and powder are their regular items. Their ill-fitted blouses and colourful saris make them awesomely beautiful as they walk the streets for their livelihood. It's estimated, India has 1.2 million eunuchs (transgenders). Yet, even after sixty years of India's independence, no official data has ever been made to estimate the actual existence of eunuchs so far. Of this ninety-nine percent of eunuchs are either illiterate or semi-literate, having no source of income, except begging. Nearly 90% of Indian eunuchs live in poverty in grief condition. Their survival is through begging, entertaining in marriages/parties, blessing newly born child, prostitution, or other illegal jobs. They are called by different names such as chhakkas, Durani in Kolkata, menaka in Kochi, meti in Nepal, zenana in Pakistan.

Eunuchs in India have virtually no safe spaces, not even in their families, where they are protected from prejudice and abuse. It's a history now that India's hijra community has a recorded history of more than 4,000 years. They were considered to have special powers because of its third-gender status and enjoyed a proud place in Indian society, gaining trusted positions in royal courts

protecting the nobility's harems or zenanas. They were even regarded as trustworthy because of their impotence and many rose to powerful court positions. However, today their sexual status is not recognized constitutionally. Rather, consider to be social outcaste, deprived of social status and other civil and legal rights because Indian law recognises only two sexes. Frankly, this means that hijras do not have the right to marry and own a ration card, a passport or a driving licence, or claim employment and health benefits.

The People's Union for Civil Liberty 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 widespread discrimination based on their class and gender makes the hijra community one of the most disempowered groups in Indian society. The hijras in India find it hard to get a good education. Employment opportunities are very rare. Most public and private companies use several excuses to deny employment. The end result is that they are forced into prostitution. The entertainment industry in India portrays them as a butt of ridicule. They are mostly used in farce situations. Most young children learn about eunuchs through mainstream movies. The only thing they learn from them is that they are something to be joked upon on. It must also be noted here that several movies during the past decade have raised the issue of eunuchs in Indian society.

Eunuchs were given voting rights in 1994. Shabnam Mausi was the first eunuch elected from the Sohagpur constituency in Madhya Pradesh state's Shahdol district in 1008. Her success story as an MLA has inspired a lot of Hijras in India to take up politics and participate in 'mainstream activities' in India, giving up their traditionally roles as dancers, prostitutes, and beggars, living on the fringes of Indian society. Of late the hijra community has begun to mobilise themselves through the formation of a collective effort. Sangama, an organisation working with hijras, kothis and sex workers in Bangalore, has played an important role by helping them organise and fight for their rights. In December 2002, the community and in Bangalore formed a collective called Vividha, demanding repeal of Section 377 of the Indian Penal Code. It has also demanded that hijras be recognised as women, be given equal opportunities, with entitlement to housing, employment benefits and rail travel concession.

Though, in parts of north and central India, hijras, who have contested and won elections to local and State bodies, had to face legal challenges due to their sexual status. It is a fact that in February 2003, the Madhya Pradesh High Court struck down the election of Kamala Jaan as the Mayor of the Municipal Corporation of Katni. The court's logic was that since Kamala Jaan was not a woman, she could not contest the seat, which was reserved for women. Recently, on January 2009, eunuchs have moved the Supreme Court seeking their education, social and political rehabilitation, including reservation of seats in Parliament, state assemblies and legislative councils. The petition filed by Sonam Singh, from Rajasthan has sought a direction to the Union Government to constitute a National Kinner Ayog or Commission to take up the rehabilitation of the neglected population by providing them reservation in jobs, education and Parliament, assemblies and legislative councils. In

a petition filed through counsel Santosh Kumar Tripathi, Sonam Singh, who identifies herself as a woman, regretted that even the Election Commission has never decided the gender category of eunuchs and has been arbitrarily treating them as female/male without any reasonable or scientific basis.

Currently, Tamil Nadu, which has the highest number of eunuchs, is the only state in India to recognize transgenders as a separate sex. They are officially identified as 'transgender' in official forms. The state government has also set up a special welfare board for the community and has several schemes for them, including separate voter identification cards, ration cards and free sex correction operations. Recently, it has allotted Rs. 1 crore for a housing project and the Chennai Municipal Corporation sanctioned Rs. 45 lakh for a noble project to build three public toilets for eunuchs. However, last project has triggered a statewide protest fearing that separate toilets would perpetuate marginalization even more.

This is only a small step for the welfare of this socially deprived group. It should be an eye opener to change the mental psyche that it is time not to keep them isolated or mock them in public places, but to accept them as normal beings. One way of solving them, is through special provision in terms of education, employment and legal opportunities. After all, they are also citizens of the country, deserve every human rights guaranteed by the constitution. Stop harassment. One eunuch blogger writes in a poetical language, "to be or not to be, says the hijra. Just let me be. A hijra totally free. Third gender mutually coexisting form here till eternity. Neither man nor woman, just me. Trust me, accuse me!"

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