

The Third Sex

Transgender persons in India want to be treated as citizens. Is this too much to ask for?

Transgender persons (hijras or *aravanis*) in India are visible in public, ridiculed in crude comedy in popular cinema, shunned and feared but tolerated at rituals where their presence is supposed to be auspicious. Otherwise, they have been non-citizens until very recently, their gender lacking in legal recognition, inhabitants of a zone where official identification is absent. The effects of this have been devastating for the community. Not only can they not avail of social and economic benefits but they cannot participate in any political or socio-economic process which requires an officially endorsed identity. The government's response to the community's demands has been sporadic and piecemeal. Recently, Maharashtra organised the first (in the state) conclave for the transgender community in collaboration with the United Nations Development Programme (UNDP), which was inaugurated by the chief minister, Prithviraj Chavan. While Chavan proposed a transgender welfare board, there was silence on their basic and long-pending demands for training in income-generating activities, as also for provision of housing and proper enumeration. Many sexual minorities' rights activists were sceptical, no doubt, in view of the forthcoming elections.

Official recognition of transgender people is slowly taking shape. The Aadhaar card has a column for marking the sex as transgender. The Delhi Election Commission has been organising registration camps for marginalised sections, including transgender persons. Karnataka's state transport department has included an "others" box in the application for a driving licence. And, the 2011 Census counted transgender persons, for the first time, separately instead of including them in the "males" category as was being done earlier. However, while these are welcome moves, given the educational and socio-economic backwardness of the bulk of the transgender community and the odds stacked against them, they are simply not enough. Legal rights do not necessarily translate into social and cultural acceptance, and do not automatically lead to recognition by the various arms of the state.

Nowhere is this truer perhaps than of the treatment that the transgender community endures from two arms of government: the police and the public health services system. Media reports and personal testimonies frequently document the insensitivity and even brutality transgender persons are subjected to by the police. A study by the Karnataka branch of the People's Union for

Civil Liberties of the hijra/kothi community in Bangalore in 2003 analyses the "cultural and social contexts that inform the limited choices, for example, of sex work and begging". It also details the day-to-day sexual violence, harassment and abuse they suffer from a society that "fear(s) sexual and gender non-conformity". These findings could be extrapolated to the rest of the country except perhaps Tamil Nadu. Other reports and activists point out that HIV programmes rarely consider the mental health needs of transgender people and that the staff at the testing and HIV management centres treat them like "freaks".

Where the state has made an effort to reach out, the community has benefited in some measure. Tamil Nadu is a case in point. It set up the Aravanigal/Transgender Women Welfare Board in 2008 to undertake social welfare measures and the department of social welfare has also attempted to ensure counselling for families with transgender children and impart special training to schoolteachers. India's neighbour Nepal has a "third gender" category since its Supreme Court ordered scrapping of all discriminatory laws (against sexual minorities) in 2007.

Sexuality, especially with regard to sexual minorities, is a nuanced and multilayered aspect that requires sensitive understanding and handling. This kind of nuanced approach may be beyond the Indian bureaucratic system at present but the basic demands of the transgender community must be accepted on an urgent basis. These include: protection in police custody, sensitisation of police personnel, comprehensive sex education programmes in schools, vocational training centres, access to free and concessional housing schemes and free sex realignment or reconstruction surgery (SRS) in select government hospitals (this is available in Tamil Nadu). The last mentioned demand involves legal and health issues. While there is legal confusion over SRS and the documentary implications that follow, limited or lack of access to safe and competent SRS can lead to major health problems.

There is no doubt that the transgender community in India will have to traverse a long and uphill path in the quest for equal rights as Indian citizens. Delivery of the promises made by politicians and governments will have to be reviewed and followed up. The other humungous task involves social awareness and education campaigns to change society's attitude towards them.