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Empowering Eunuchs

Empowerment is the process of obtaining basic rights of food, clothing, shelter, education and health for marginalised people, either directly by those people or through the help of non-marginalised others, who have their own access to these opportunities. It also includes actively thwarting attempts to deny those opportunities to the marginalised community.

The eunuch community is a marginalised one at present. Everybody fears the curse of a tormented soul but this was not the case earlier. With changes in society and the dawn of modern technology, traditional art and music forms gradually disappeared and these doors closed for eunuchs to make a living. They were reduced to begging and this social stigma has remained with them.

Such excluded people who have no opportunities for self-sufficiency become, at a minimum, dependent on charity or welfare. They lose their self-confidence, because they cannot be self-supporting. The denial of opportunities also deprives them of the pride of accomplishment which others, who have those opportunities, can develop for themselves.

Empowerment also includes encouraging and developing skills for self-sufficiency, with a focus on

eliminating the future need for charity or welfare in the individuals of the group.

In modern times, that should be and is attempted by law. However, we have to realise that the law alone cannot reverse history and tradition of ruthless discrimination against these unfortunate souls. It can only be alleviated when we open our minds and hearts to the acceptance of these people as 'one of us' and accord them the same place in society as we do to other minorities.

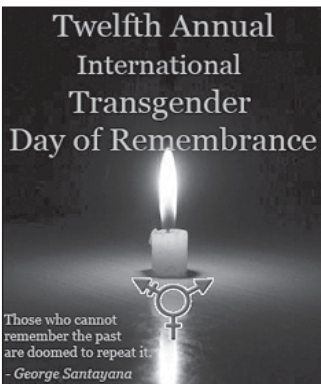
We need to actively involve all social and political classes in increasing the social, economic and political strength of the eunuch community, as the means to their empowerment. The process can be initiated by enabling the community to develop confidence in their own capacities.



The author serving food at a get together of eunuchs

Where mobocracy rules, they may not be a big vote bank but “Democracy is not merely the rule of the majority but also the respect of the minority.” In a sense, it is this smaller minority that should have greater respect in our democracy.

Let us take a look at what can be done to alleviate the overwhelming problems faced by this community.



Eunuch Solidarity Day

We have International Day Against Female Genital Mutilation (February 6), World Day of Social Justice (February 20), International Day to End Violence Against Women (November 25), Human Solidarity Day (December 20) etc.

Celebration of specific days devoted to a particular gender, community, profession etc are meant for empowering the exploited, for giving thanks to those who are doing something for our lives, society and the world at large and for forgiveness from the oppressed.

Eunuchs too are 'living on the edge', exploited and poverty stricken. To empower them and bring them into the mainstream of society, 'Eunuch Solidarity Day' should be celebrated with equal fervour, like any other festive day.

Rita Hester was a transwoman living in Boston, USA. She worked for transgender issues. She was murdered on November 28, 1998. In 1999, it was decided to observe an 'Annual Transgender Day of Remembrance' in her memory. A suitable weekend was chosen, which in that year, happened to be November 20. Since 1999, this day is celebrated every year as 'Annual Transgender Day of Remembrance'. It intends to raise public awareness of hate crimes against transgenders.

Every year, a few hundred transgenders lose life due to crimes of hatred and prejudice perpetrated against them by gendered people. The 'Day of Remembrance' publicly mourns and honours the life of the deceased transgender which might otherwise be forgotten. However, it is hardly accorded any publicity by the media - how many of us have even heard of this day? SOOE proposes to rename it as 'Eunuch Solidarity Day' and extend its scope to spreading awareness about eunuchs, with a view to integrating them into the general community at large.

To mark the festival, eunuchs could tie strings on the wrists of one another. Non-eunuchs would visit the homes of eunuchs and tie this 'string of solidarity' on the wrists of eunuchs, symbolising their support for the cause and present them with sweets and other gifts, as a gesture of solidarity. Thanksgiving, refreshments and entertainment programs would draw the festivities to an end in the evening. We need to discover that none of us is a complete man or woman. In return, we would get their blessings, an act that could heal much of our turmoil and solve relationship issues.

Right to Proper Childhood

The birth of eunuchs cannot be avoided. That is an anomaly of Mother Nature. Their birth is a deviation of the natural reproduction process but they are discarded as undesirable by unfortunate parents who fail to discharge their duty. Such parents need to be properly educated and suitable deterrents implemented to prevent them from abandoning a eunuch child. Under Section 317 of the Indian Penal Code, it is an offence to abandon the child under the age of 12 years, punishable with rigorous imprisonment up to 7 years. However, this is almost never invoked and mere publicity of its existence will cause several erring parents to mend their ways.

In the case of regular children, it is necessary for someone to lodge a complaint in order to enforce the relevant law. In the case of these children with ambiguous genitalia, the authorities may be notified by the existing machinery involved with the process of maternity. It should be impressed upon licensed '*dais*' or midwives and even hospitals that if they discover or are involved with the birth of such a child, then they should inform the medical authorities concerned about the birth of such a child, along with details of the parents in return for a nominal reward. Also, parents of such children should be encouraged by giving them some financial assistance for the child's upkeep.

Freedom From *Gurus*

Everybody needs shelter and social contact. The child that is cast out by parents has to find solace and shelter somewhere. It is up to the state and society to

assume the role of their parents but they usually end up in the wrong hands of *gurus*, which is a solution worse than the disease. If any person extends a helping hand, then it is only with the expectation of future gain. There may be other reasons also but so far as we can see them today, this factor is the worst.

It is not practical to expect *gurus* to give up their bread and butter easily. The psyche of these children is so badly affected that they cannot even think of freedom. They are also haunted by the problem of “Where else do we go?” Here are a few suggestions to strike at the root of the menace.

State Sponsored/Managed Homes

If the parents undertake to bring up the child, then only occasional supervision may be needed. If not, the child needs to be taken to a state orphanage or to other approved private and missionary orphanages.

India is a welfare state and the welfare of every child is the primary duty of the state. There are juvenile welfare facilities or comparable institutions in every state. There is no reason why these children cannot be housed and cared for in these places. Though it may become difficult for them to fraternise with normal children upon reaching a certain age, they can probably fit in with female children.

Some states may have institutions that are specially geared for the care of such children but they can always be created even in those places that do not have them. No problem is ever eradicated by cutting off only the

branches. A permanent solution has to involve digging up the roots of the problem.

Adoption

Adoption of a eunuch child is a blessing we can endow ourselves with, an act that would endear our grace and benevolence to the Almighty.

Children are sweet, playful, inquisitive and also troublesome at times. However, they provide immense pleasure – the power of fulfilment, the pleasure of parenthood. This would be multiplied manifold with the inclusion of these small unfortunates, whose parents lacked the vision or got over cowed by primitive tradition and made the mistake of parting with them. In case our constraints do not permit physical custody, we can designate one or more of them as our ‘wards’ within their homes and sponsor their livelihood and education to the extent possible and desired.

Inclusion in Academics

Students across the globe are inquisitive about the sex of eunuchs. Currently, no academic curriculum provides for education about them. The distinguishing features of eunuchs, the variance of their anatomy with normal people, social and other characteristics should form part of higher education in relevant fields of study, such as medicine, anthropology, sociology, history etc.

A two hour lecture of introduction to learners will provide a base to impart knowledge about them, which in turn will reduce hatred against them. Some eunuchs have

demonstrated their interest in such talks at medical and senior colleges of various streams.

Educational Empowerment

One way to foster empowerment among eunuchs at an early age is to educate them. We have worked towards the abolishing of child labour. We are taking steps for compulsory education. This will achieve the dual objectives of making them more aware in general, as well as providing them with suitable means of income.

However, in many cases, where the appearance and behaviour of a eunuch child is markedly different from those of his/her peers, these may lead to difficulties with other students. Ultimately, the child drops out of school, as is often the case at present.

To overcome this, the government can also consider setting up special schools, with lodging and boarding facilities, to cater to only these students or at least bracket them with handicapped children, so that they may attend schools that cater to differently abled children.

It is sad to note that whereas schools devoted to children who are blind or afflicted by cerebral palsy go to great lengths to impress upon them that they should not consider themselves incapable in any way, there is no such care exercised in the case of these children, whose behaviour is as normal as that of the person standing before them.

Suitable education will go a long way in enabling them to lead normal lives. Thus, raising literacy levels of

eunuchs is an important aspect of their integration into mainstream society at a later stage.

Economic Empowerment

Without economic empowerment, the emancipation of an exploited community is a distant dream. We can ascertain this merely by comparing the status and lives of women from liberalised western countries with those of the Gulf. Economic independence fosters social power and western women rarely have to toe the lines of their male counterparts or endure the kind of harassment that women from other socially backward nations face on a regular basis. The same is the case with eunuchs, especially in non-liberal countries. The problem lies with the provision of opportunities. Suitable vocational training may be provided to them, with a view to integrating them into the mainstream of society in appropriate jobs, viz. tailoring, beauticians, artisanship etc, in fact, anything that they may desire.

In our small way, we can trigger this integration by employing eunuchs as babysitters, domestic help, security guards etc. The versatility of such assignments speaks of the strengths offered by this community. Intricate feminine to muscular masculine jobs come easy to eunuchs, most of whom have a man's body with a woman's heart. Nurturing, caring for the weak, as well as dealing physically with the rough, both are handled adeptly by these versatile people.

Eunuchs are highly suited for national development duties. The Government may consider raising a

separate regiment of the eunuch community in the country. Eunuchs can effectively discharge duties along the border areas, since they are physically strong and healthy. In India, where communal tensions are always on the boil and paramilitary forces are accused of being partisan, eunuchs will do well if engaged in policing, since they are not fanatic in their beliefs. They do not have families, which results in their selflessness. This sets them apart from other humans.

As business owners or managers, we can allocate slots to eunuchs, compulsorily if required initially or due to peer action later, commensurate with individual skill, education and training. Bolstered by Government legislation, fixing mandatory employment reservation would catalyse this much needed action. Reservation of even a single job in a thousand will be enough to employ the whole eunuch community. Until legislation is finalised, the private sector should take affirmative action, like their western counterparts and employ eunuchs whenever there are suitable jobs for them.

There are many jobs that can be reserved for them, e.g. nursing, guards in female wards of jails, lady police constables etc. Jobs that need good health and physical strength while dealing with ladies are better suited to them than ordinary females.

Eunuchs can perform very well if they are assigned the job of recovery agents, be it a job for recovery of arrears of land revenue or wilful default of commercial banks and other lenders. Defaulters would give in at the sight of a group of eunuchs squatting outside his/

her house, causing public embarrassment. However, scared of any illegality, eunuchs are not keen on taking up such assignments. They prefer a simple and safe lifestyle rather than an affluent but risky one.

Eunuchs can also be included in the category of handicapped people for the purpose of reservation, subsidy and similar benefits.

Legal Remedies

The law in India has criminalised the very existence of eunuchs, making the police an omnipresent reality in their lives. Eunuchs in India continue to be treated (although not currently listed) as a 'criminal community' and are deprived of the protection and special treatment accorded to other oppressed classes, e.g. Scheduled Castes/Tribes (SC/ST). The provisions of Section 377 of the IPC (modified by the Hon'ble Delhi Court on 2nd July, 2009), Immoral Trafficking Prevention Act, 1956 etc are the weapons used by the police to harass eunuchs. Hence, to safeguard the rights of eunuchs, the following steps are recommended, in order to achieve the desired emancipation of the eunuch community:

1. Mobilisation of existing legal framework

While the existing legal framework often ends up serving the interests of the powerful, it is not a totalitarian structure, for there are many provisions of the law which can be used creatively to build up a jurisprudence of citizenship rights for eunuchs. Many procedural safeguards are specified in legislations such as the Criminal Procedure Code,

1973. Offences which are committed against eunuchs should be brought to the notice of the concerned police station. Any violation of the Criminal Procedure Code can also be taken cognisance of by the concerned magistrate. If these mechanisms fail, the National Human Rights Commission can be approached.

2. Interpretation of the existing legal framework in a constructive manner

In cases of atrocities or crimes committed against eunuchs, the law should be applicable in spirit and practice similar to instances of crimes against other oppressed sections of society, such as Scheduled Castes and Tribes etc.

3. Campaigning for progressive law reform

The importance of a campaign on the above laws is that it raises public awareness about the issues of eunuchs. If eunuchs are to have the same rights as other citizens, there is an urgent need for their recognition as a third gender. Hence, civil laws are in need of suitable reform. This modification of Civil Law will entitle them to an entire gamut of rights available to all other citizens, not only in spirit but also in practice.

The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989, may include provisions so that anyone making derogatory remarks against eunuchs or discriminating against them on the basis of gender can be punished under the law.

The word 'rape' in Section 375, Indian Penal Code (IPC) 1872 should be replaced by the phrase 'sexual assault' to include all sexual crimes against women, men, children and transsexuals/eunuchs. Eunuchs are often the targets of some of the worst sex crimes, more so if they happen to be sex workers. If forceful sexual intercourse with even a prostitute is termed as rape and punishable as such, then such an action committed against a eunuch should also incur similar punishment.

4. Progressive international legal development

Through judicial deliberation and consistent activism, transgender people have been successful in winning recognition of their rights in developed countries. These developments convey the global nature of concern, which is forming around the rights of those discriminated against on the basis of gender identity and sexuality.

The International Bill of Gender Rights is useful in conceptualising the idea of a right to a gender identity and the right to freely express it. The decisions in various jurisdictions highlight the forms that discrimination against transgender people has taken and how it is being questioned. These developments provide some material on the basis of which, debate can be initiated in the Indian context.

5. Legalisation of *nirvana* (voluntary castration)

Nirvana is one of the most important events in the life of all eunuchs. In fact, their mental well-being

and social status is completely dependent on this ritual. Leading a life without undergoing *nirvana* is incomplete for a eunuch and there is intense craving for this procedure in all eunuchs.

However, such surgeons are not available, since their protocol for carrying out the procedure requires the eunuch to satisfy the following criteria, prior to undergoing the procedure:

- a. Live with the desire for being the other gender for more than 2 years.
- b. Have been living for at least one year full time in the new gender role. Living in this role should be successful and to the complete satisfaction of the individual.
- c. Take hormone therapy for at least 6 months.
- d. Obtain a recommendation from a psychiatrist or therapist.
- e. Have a negative attitude towards his current sexual organs.
- f. No psychiatric illness.

There is a high demand for qualified surgeons who can perform this surgery for eunuchs, either clandestinely or with minimum legal formalities, thus waiving the requirement of any certificates from psychologists, endocrinologists, gynaecologists, urologists, plastic surgeons etc. It is not easy to obtain the certificates mentioned above and hence, the requisites for the performance of the surgery under the care of qualified surgeons are not fulfilled. Hence, *nirvana* at a recognised hospital is not feasible.

It is the general feeling among eunuchs that this surgery is justified and *gurus* should be vested with the power to certify the necessity of such surgeries in the case of eunuchs. Where such certification is available, the surgeries should be treated as fulfilling the due process of optional and voluntary medical treatment as defined within the Indian legal framework.

6. Awareness Campaigns

Along with the above, it is equally important to make eunuchs aware of the rights granted to them as citizens of a free and democratic country. For this purpose, NGOs and other social welfare organisations can play an active role by imparting the necessary education at the grassroots level. Also, most material pertaining to human rights is normally published in the English language. These organisations can also translate this material into local languages that are easily understood by eunuchs and all others.

Social Empowerment

Nobody has made an effort to integrate eunuchs into mainstream society. It is remarkable that many efforts have been made in the recent past to bring even dacoits into the mainstream but none so far to improve the lot of these people. Is it because they are harmless and though people might hate them, they have no reason to fear them? Unlike dacoits, eunuchs would not make the grant of agricultural land an integral part of their rehabilitation process. All that is needed is a caring attitude and protection from exploitation.

Political Empowerment

The progress of the *dalits* and other backward classes is a fine example of what political empowerment can do for an underprivileged community. Eunuchs too cannot come to the forefront and be absorbed by the mainstream community, at least until they get some representation at the State and Central Government levels. As the 19 lakh eunuchs in India are unevenly distributed across the country, it is highly improbable that they would win an open seat. In this scenario, the reservation of a seat for them in the upper and lower houses of the Parliament, as well as State Assemblies should be considered. At least till such reservations are made, people that matter may elect/nominate eunuchs for such seats. Voters in Madhya Pradesh made history by electing India's first ever eunuch legislator, Shabnam *Mausi* to the Legislative Assembly from 1998 to 2003. The state also has two eunuch mayors and three senior business executives.

In a Mayoral election in the Sagar district in December 2009, eunuch Kamala *Bua* defeated her nearest rival by a margin of more than 43,000 votes. From the neighbouring state of Uttar Pradesh, voters of Gorakhpur elected Asha Devi, a eunuch, as Mayor, proving the beginning of acceptance by society. The path to achieving some semblance of parity with regular people is not an easy one. However, the right attitude on the behalf of all concerned, as well as a desire on the part of the common man to 'do the right thing', will go a long way in formulating a framework for addressing and alleviating the problems faced by this community.

Rehabilitation

Have sympathy for sex workers

Supreme Court, Aug 3, 2011

New Delhi: Sex workers, including those from Nepal, Bangladesh and CIS countries, are not bad persons but forced into flesh trade by terrible poverty, the Supreme Court said on Tuesday while directing the states to frame schemes for their vocational training to lead a dignified life.

“A sex worker is obviously not surrendering her body to a man because she loves and respects him, but just for sheer survival,” a bench of Justices Markandey Katju and Gyan Sudha Misra said. But the court was aware of the enormity of the task. “We are fully conscious of the fact that simply by our orders, the sex workers will not be rehabilitated immediately,” it said.

It directed, “The states should not only come out with schemes indicating therein rehabilitation of the sex workers but they should also demonstrate their commitment to the cause by coming out with some concrete results, at least in phases.” This is a brief of a landmark order by a double bench of the Hon’ble Supreme Court of India.

The apex court is silent on the topic of extending the same sympathy to eunuchs – not because it is apathetic to their cause but presumably because it has never been seized of the matter. As mentioned



The Hon'ble Supreme Court - landmark decision

elsewhere, the strict commandments of eunuchs preclude them from airing their grievances. Hence, no complaint from the community about their plight has ever reached any court or any government body working for the oppressed.

SOOE urges NHRC and the judiciary to mandate outreach by the State Governments to a few eunuch colonies for ascertaining the plight of eunuchs as stated by SOOE and for providing relief from their state of bonded labour. Initially, areas with high eunuch population, such as Malvani in Mumbai or Nishatganj in Lucknow may be designated as focus areas. Gradually, the initiative may be expanded to include other areas.

Courtesy: <http://judis.nic.in/supremecourt/imgs.aspx>

Believe It or Not

A faceless community

Although eunuchs are eligible for identity cards like Passport, Voter Card, PAN Card, Ration Card etc, like other citizens of this country, most eunuchs have none of these identification documents. They do not have bank accounts either, since one needs certain documentary evidence to apply for such identification, which eunuchs generally do not possess.

Gurus are able to get some of the identification and other documents, since they own houses and have the time to pursue such documentation, not having to go out to earn money.

It is mandatory to fill in the date of birth, father's name etc in various application forms. Eunuchs, after leaving their homes, discard their parental names. Many of them not only follow the faith of their *gurus* but also use their second and third names. As these changes are not legally notified, documentary evidence regarding this is seldom available.

When a eunuch, without proof of identity or address, approached the Election Office for issuance of a Voter ID card, the officer concerned, who was bound by regulations, had to decline. He asked her to get her photograph and residential address verified by the local police station, which was not possible either.

Also, coordination with various agencies needs a lot of time. There are agents for facilitation but they still need all the supporting documents. Eunuchs are always hard pressed for time because they have to

work hard to make both ends meet and give the mandatory share of their daily earnings to their *gurus*. They work for daily wages and they lose this income while running from pillar to post for obtaining the ID cards. Hence, most of them go through life without any sort of Government issued identity card.

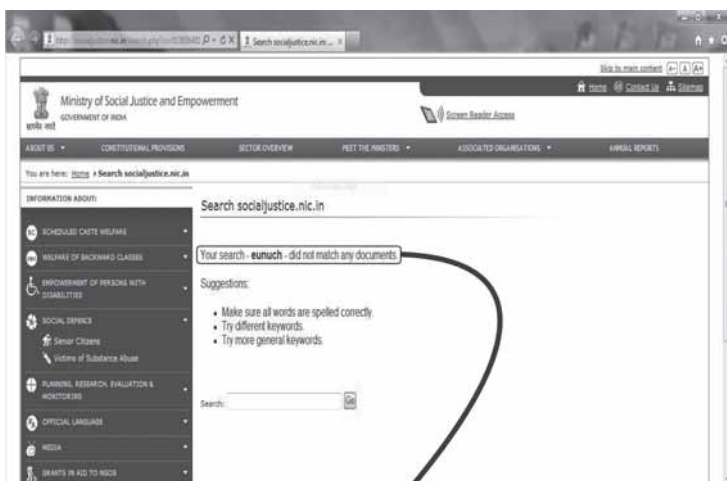
Even for something as basic as a mobile phone connection, eunuchs have to depend on their *gurus*, since they are the only ones with some of the necessary documentation. The *gurus* spare no effort to encash this opportunity, when one of their *chelas* requests them for proof of residence. Imagine the pain of having to carry something registered in someone else's name - it is as if you have no identity.

Thanks to the unstinting efforts of Salvation Of Oppressed Eunuchs (page 281) and other organisations, some progress is now being made in obtaining government documentation.

SOOE proposes that some *gurus* of long standing in their areas, say 20 years, be registered with the Social Welfare Department in each district and empowered to issue certificates of identity and residence, which may be valid for obtaining government documents.

India's forgotten children

Issues pertaining to eunuchs have not been raised or discussed in the Parliament, probably since they are not given to venting their grievances. When we searched for the terms 'eunuch', '*hijra*', '*kinnar*' or other terms that are used for eunuchs in the site of the



Your search - **eunuch** - did not match any documents.

Website search of the Ministry of Social Justice and Empowerment

appropriate ministry concerned – the Ministry of Social Justice and Empowerment (<http://socialjustice.nic.in>), the search did not yield any results (see attached photo). Our enquiries with the government officials concerned confirmed the same.