

Hijras and Crime

We are generally predisposed towards believing that hijras are involved in petty offences or even major crimes. I spoke to 4 judges of the High Court and 4 judges from lower courts in Mumbai, Lucknow, Delhi and Allahabad. I had specific queries regarding these concerns about the involvement of hijras in criminal activities, with a view to ascertaining the truth.

The following are the excerpts from my conversation with the judges.

PS	Please comment about hijras and crime.
Judge	They are nuisance. They always barge in uninvited and harass people at the time of festivities or inopportune moments.
PS	Is it a crime / offence or a nuisance?
Judge	No comment.
PS	Let me call it a nuisance. However, that is their only source of earning.
Judge	But why should they harass unsuspecting people like that?
PS	To earn money of course but they do so peacefully. If you shut your door, they generally go away. They may call out loudly but they never cause damage to person or property.
Judge	But they should not behave in such fashion.
PS	Let me pose a specific query regarding their involvement in crime. How many cases involving hijras have you tried in your court under the provisions of the Indian Penal code?
Judge	(Ponders to think) I remember one of my friends telling me about the trial of a hijra in his friend's court 25 years ago under Section 323 of the IPC (non cognisable).
PS	No Sir, I am referring specifically to your court.
Judge	I can recall none.
PS	Now Sir, can you recollect cases involving hijras anywhere in India?
Judge	Piyush, you are right. They are wrongly blamed. I do not remember any case involving hijras that I or any of my close colleagues have tried.
PS	Thank you, my Lordship!

Similar replies from the other seven judges persuaded me to believe that they are not involved in crimes. You may also verify this from your friends and relatives.

I asked Hijras about kidnapping, abduction and forced castration of males to make them hijras. They explained that it is an offence and they do not commit it. I am convinced. I found Hijras to be God-fearing and law abiding citizens.

Rumours apart I have not heard a single case with name, address and evidence where forced castration has taken place. In our country, where the fourth estate is so strong, I am convinced that it is true. Otherwise newspapers would have been full of such stories.

I have interacted closely with hijras. Many of them are my friends and well-wishers. I know people are irritated when they see a hijra at their doors. However, they are forced to resort to begging for earning a living, since people are loath to employ them in regular jobs.

Many hijras have asked me for a job. I got an offer. My friend owns a money recovery agency. He proposed that I could employ 4 hijras on a monthly salary of double their present earnings and we send them to debtors. Then wilful defaulters will give way and deliver cash if the hijras sit in front of the defaulter's house. The proposal was very tempting but till date I have not been able to convince a single hijra to do this job. They are scared of any illegality. They will not venture into any offence. They prefer 2 square meals a day but no tension please.