

Empowering the Eunuchs

Empowerment is the process of obtaining these basic opportunities for marginalized people, either directly by those people, or through the help of non-marginalized others who share their own access to these opportunities. It also includes actively thwarting attempts to deny those opportunities. The eunuch community is a marginalized one even now. 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 fully self-supporting. The opportunities denied them also deprive them of the pride of accomplishment which others, who have those opportunities, can develop for themselves. Empowerment also includes encouraging and developing the skills for self-sufficiency, with a focus on eliminating the future need for charity or welfare in the individuals of the group.

There is nothing perfectly independent of all environments. Effort has to be made to change tradition to the betterment of all. In modern times, that should be and is attempted by law. However, we have to realise that the law alone cannot reverse centuries old history and tradition of ruthless discrimination against these unfortunate souls. It can only be alleviated when we open our minds and hearts to acceptance of these people as 'one of us' and accord them the same place in society as we do 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.

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

World Eunuch 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 20th) etc. Celebration of specific days devoted to particular gender, community, profession etc. are meant for empowering the exploited, for thanksgiving 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 edge, exploited and poverty stricken. To empower them, to bring them in the mainstream of society, let us start celebrating a day devoted to this community only. Like any other festive day, a eunuch day should be celebrated and with equal pomp and glamour.

Cynics may say that celebration of these specific days is only a marketing gimmick funded by multinational giants. These celebrations are not going to make any difference either to the community or society at large. It may be true to some extent. International Day for Peace has hardly stopped nations from going to war with each other over sometimes frivolous reasons. Women's Day has failed to empower women and confer on them status equal to men in society. On the other hand, Dec. 1, the International Day for AIDS Awareness has succeeded to a large extent in making people aware of the HIV/AIDS menace. To bring about a change, one has to stare from somewhere and such 'Days' are just the beginnings of better days to follow for the causes.

Hence, to begin with, let us earmark 12th November as a 'Eunuch Day' arbitrarily, climatically conducive in South Asia. On this day, non-eunuchs would visit the third gender and present them with gifts, cakes, artefacts and mementoes, celebrating their presence. We can also invite them to our homes for a feast. In return, we would get their blessing, so divine, that it could heal many of our turmoil and solve relationship issues. Empowered by the ability to bless effectively and benevolently, enabling resolve our lives, is God's gift to them.

As a festival day, eunuchs themselves should tie a string on each other's wrists. Strings of caring would symbolise the brotherhood, manhood and womanhood amongst

them, in line of a startling fact we need to discover that none of us are pure men or women. Tying caring strings to each other men, women, child and eunuch alike, going to each other's home for the tying ceremony in the forenoon along with exchange of gifts would fill the roster. Thanksgiving, eating refreshments and entertainment festivities would mark the evening. Surely, before integrating continents and countries, different religions, races, castes and creeds, we need to unify ourselves as human beings first.

Adoption

Adoption of a eunuch child is the next blessing we can endow upon ourselves. An act where the almighty himself would bow to our grace and benevolence.

Children are children, sweet little, playful, inquisitive and also at times trouble creating. Whatever they are for, provide unfathomable pleasure – the power of enabling, in short parenthood pleasure. Extending the same to these small unfortunates whose parents lacked the vision or got over cowed by primitive rituals and made the mistake to part with. In case our constraints do not permit physical custody, we can earmark one or more of them as our adoption within their sect/house and sponsor their livelihood to an extent possible and desired.

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 the liberalized western countries and those of the Gulf. Economic independence fosters social power and western women rarely have to toe the line 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. An effort is needed to integrate them into all aspects of society.

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.

We in our small way can trigger this integration by employing eunuchs as baby sitters, domestic help, personal drivers and security guards. Versatility of such assignments itself speaks of the strengths offered by this category of inmates. Intricate feminine to muscular masculine jobs come easy to eunuchs, most of who have the man body structure with a woman's heart. Nurturing, caring for the weak and timid and physically assaulting the rough, surely a versatile combination.

As business managers, we can again find and allocate slots, compulsorily if required initially due to peer reaction, at places, commensurate with individual skill, education and training. Govt. legislation, fixing a mandatory employment percentage would catalyse this awareness and much needed action, which for long has been lying pending. Reservation of a single job in one thousand will be enough to employ the whole lot of 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.

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 Bank and other lenders.

The Govt. may consider raising a separate regiment of the eunuch community in the country. Eunuchs will discharge effective duties along with international border areas if scope is created for them. Eunuchs are exceptionally fit for national development duties. 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 do not belong to any caste, creed or religion. They do not have family. Their selflessness is borne out of this detachment which sets

them apart from other human. They do not expect higher wages because many of them have only begging as a source of their living.

Legal Remedies

The law in India has criminalized the very existence of eunuchs, making the police an omnipresent reality in their lives. Apart from the criminal laws, the civil aspect of the law has not heeded the demands of citizenship for eunuchs either. The draconian provisions of Section 377 of the IPC (recently set aside by the Hon'ble Delhi Court), Immoral Trafficking Prevention Act, 1986 etc. are the weapons used by the police to harass eunuchs. Hence, to safeguard the rights of eunuchs, the following steps are necessary in order to achieve the desired result of emancipation of the eunuch community:

1. Mobilization of existing legal framework

It is true that the existing legal framework ends up serving the interests of the powerful, it is not a totalitarian structure, for there are many spaces in 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. Any violation of the Criminal Procedure Code can also be taken cognizance of by the concerned magistrate. Offences which are committed against eunuchs can be brought to the notice of the concerned police station. If these mechanisms fail, the National Human Rights Commission can be approached.

2. Challenging the existing legal framework

The Immoral Trafficking Prevention Act, 1956, is used less for preventing trafficking than for intimidating those who are the most vulnerable i.e., the individual sex worker as opposed to brothel keepers or pimps. This law needs to be reformed. What the limited engagement of the eunuch community with the law so far has demonstrated is that there are significant legal hurdles to empowerment.

3. Campaigning for Progressive Law Reform

The importance of a campaign on the above laws is that it raises the public awareness about the issues of eunuchs. Civil laws are in need of urgent reform. If eunuchs are to have the same rights as other citizens, there is a need for their recognition either as women or as a third gender identity. This change in civil law will entitle them to an entire gamut of rights available to all other citizens.

The Atrocities Act may include provisions so that anybody making derogatory remarks against a eunuch or discriminating against them on the basis of gender bias 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 inflicted on women, men, children and transsexuals/eunuchs. Eunuchs are often the targets of some of the worst sex crimes in India, more so if the eunuchs happen to be sex workers.

4. Use of 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 particularly useful in conceptualizing the idea of a right to a gender identity and the right to freely express one's gender identity. The decisions in various jurisdictions highlight the forms that discrimination against transgender people has taken and how that discrimination is being questioned. These developments provide some material on the basis of which debate can be initiated in the Indian context.

5. Creating awareness among eunuchs about their rights and privileges

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, NGO 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 English. These organisations can also translate this material into local languages that are easily understood by eunuchs.

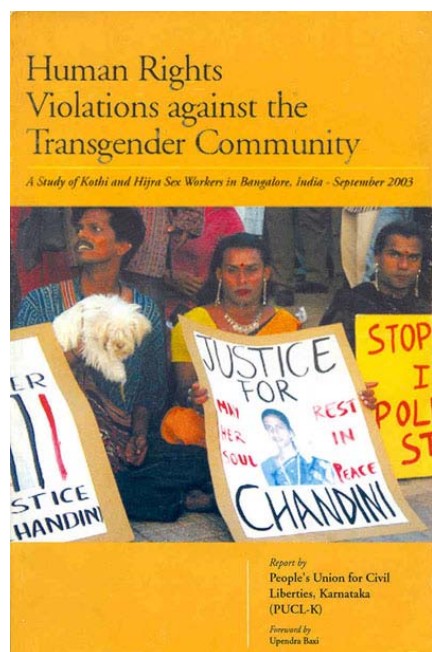
Political Empowerment

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 mainstream community until they get some representation at the State and Central government levels.

As there are only 14 lakh eunuchs in India and even they are unevenly distributed across the country, it is highly improbable that they would win an open seat. In this scenario, reservation of a seat for them in the upper and lower houses of the Parliament, as well as State Assemblies should be considered.

Voters in Madhya Pradesh made history by electing India's first ever eunuch legislator of the Legislative Assembly from 1998 to 2003. Shabnam Mausi or "Aunt" Shabnam, 40 was born to a Brahmin family and made a living out of singing and dancing. The state also has two eunuch mayors and three senior business executives. In a recently held Mayoral election in the Sagar district of Madhya Pradesh. Eunuch Kamala Bua defeated her nearest rival by a margin of more than 43,000 votes. From the neighbouring state, voters of Gorakhpur elected Asha Devi, a eunuch, as Mayor, proving that localised acceptance by society is beginning.

Redressal Efforts in India



In September 2003, an NGO, the Peoples' Union for Civil Liberties, Karnataka (PUCL-K) published a remarkable report on human rights violations against the Transgender community in India.

The 117 page PUCL report provides extensive background on the social, cultural and political context of eunuchs. It also documents violence against eunuchs and discusses the institutional basis of this violence. It documents recent efforts of eunuchs to organize and

protest against the discrimination they face and makes important recommendations on how to improve the plight of transgender people in India. The report is an excellent source of up-to-date cross-cultural information about eunuchs.

Not quite so much in the media glare are a number of social bodies such as the Eunuch Kalyan Sabha, Astitva, Humsafar, INFOSEM, Dai Welfare Society etc. working alongside to give the eunuchs a proper place in society. “We too want to go to restaurants, visit cinema halls and public Parks,” says Revathi, a eunuch activist at a Kolkata social meet recently. “We also want to educate ourselves and improve our prospects. Enjoying the privileges of being an Indian and believing time will change, enabling achievement of our dream.”