Sonepat, November 11

The Centre for Health, Law, Ethics and Technology (CHLET), Jindal Global Law School (JGLS) of OP Jindal Global University (JGU), organised a two-day round table consultation on “Human Rights of the Trans-Gender People, Hijras (enunchs) and Other Gender Non-Normative Gender Groups in India” on the JNU campus recently. The consultation was attended by participants from 17 states.

The national consultation deliberated on the legal and social barriers faced by the trans gender, hijras and non-normative gender groups in India. This discussion was pertinent in the light of the expert committee on trans gender issues set up by the Ministry of Social Justice and Empowerment and the Supreme Court case on transgender rights. The committee has been set up with a view to conduct “an in-depth study of the problems being faced by the trans gender community and suggest measures that can be taken up with the government to ameliorate their problems.” The committee has to submit its recommendations to the ministry by the January 22, 2014 and the consultation was a result of the committee inviting suggestions.

Sunil Pant, the founder of the Blue Diamond Society of Nepal, offered his experiences as the primary litigant in Nepal’s Supreme Court cases granting trans gender recognition and rights. He provided a critical perspective on the process legal advocacy for the rights of gender non-conforming groups.

Qasim Iqbal, Executive Director, Naz Male Health Alliance, Pakistan, said the Supreme Court of Pakistan had now recognised the “Khwaja Sara” gender category. In 2009 and 2011, the Supreme Court of Pakistan issued decisions allowing male, female and Khwaja Sara identities on official identification.

Shutanuka, member of Sappho for Equality, Kolkata, said, “Trans has become synonymous to male to female persons. Female-born trans persons are invisible. We need to talk about them and their rights.”

One hijra activist, Raveena from Chhattisgarh, stated, “The decision should have a more inclusive and open definition of the “third gender. All we wish from the judgment is justice.” Another hijra activist, Rudrani Chettri, said, “We are hoping the final decision will be in the favour of the community and that we get recognition along with entitlements and rights which are meaningful including education, health etc.”
On the question of whether only hijras should be covered within the judgment or should more groups be accorded protection, Sohini, another activist, said, “We surely need to include categories other than male to female. It’s not about doing good to half and leaving the other half. On the one hand, we are sensitising the binary of genders and on the other bringing out diversity. We need to respect diversity and individuality.”

The participants were unanimous in their view that trans gender persons should not be made to submit any medical or legal proof to claim their identity as trans gender persons and the choice of identity should be with them. This will be one of the recommendations to the committee.

Dipika Jain, Executive Director of CHLET, JGU, said there were very few laws and policies for trans gender and other non-normative gender groups. CHLET had filed Right to Information requests to all states and UTs in India on the welfare schemes, policies, laws and census of transgender, hijras and other gender non-conforming groups and had only received 22 responses as of now. Nagaland was the only state providing a concrete number (13) accounting for the gender non-conforming persons living within the state. Very few states that responded noted that they did not have any welfare schemes, laws or policies for trans genders, hijras or other gender non-conforming groups.

The National Consultation was a collective effort to understand the needs and desires of trans genders, hijras, and other gender non-conforming groups so that the committee’s recommendations reflect the community’s perspectives, diversity, ideas and experiences of this very heterogeneous group of people.