

***“Ek Pehal, Ek Shuruat, Aao Chalein
Ek Kadam, Third-Genders Ke Saath:
An Interactive Session with Third
Gender Persons”***

***(Report on the event conducted at S.L.S.-
Noida on 30th July, 2015)***

Abstract: This event was conducted by members of the L.A.C., S.L.S.-Noida at campus of the college. It was an interactive session of two hours wherein judges, advocates, students from S.L.S.-Noida, members of the L.A.C. and persons from ‘third-gender community’ interacted with each other. Participants from ‘third-gender community’ were given a platform to share their concerns; they shared the issues that they face in their daily life routine; they shared their personal experiences about how they are ill-treated by the society. Persons from civil-society also spoke about the issues that the society doesn’t find comfortable to live with.

***An Initiative
of ‘Legal Aid
Centre,
Symbiosis
Law School,
NOIDA’
In Association
with
‘Legal
Services
Authority,
District
Gautam
Budha Nagar’***

I. Concept Note

Seldom, our society cares to realize the trauma, agony and pain which the members of the transgender community undergo, nor it appreciates the innate feelings of the members of the transgender community. Our society often ridicules and abuses the transgender community; and in public places like railway stations, bus stands, schools, workplaces, malls, theatres, hospitals, they are sidelined and treated as untouchables, forgetting the fact that the moral failure lies in the society's unwillingness to contain or embrace different gender identities and expressions, a mindset which we have to change. Therefore, the Legal Aid Centre at SLS-N had conducted an interactive session between learners of the S.L.S.-Noida and 'Third Gender Persons' with the motive of sensitizing the society to the life and lifestyle of the Third Genders. This interactive session was conducted in presence of judges, advocates, and faculty members of the S.L.S.-Noida.

Earlier, the Legal Aid Centre had conducted no. of awareness programs with the same objective of sensitizing the society about the 'rights' that the 'law' provides to any 'third-gender persons'; these programs were conducted at seven different locations around the nation, including Gurgaon, Bombay, Kolkata, Faizabad, Junagarh, Chandigarh and Visakhapatnam during the months of May and June, 2015.

The most important thing herein is to answer this question, what do we mean by 'third-gender/transgender person'? The Supreme Court of India, in *National Legal Services Authority v Union of India*, has defined the term transgender as follows: **"Transgender is generally described as an umbrella term for persons whose gender identity, gender expression or behavior does not conform to their biological sex.** Among transgender (TG) community, we may include persons who were neither 'male', nor, 'female' at the time of their birth, and who are called as *Hijras/kinnar/eunuch* in the society. In biological terms, *Hijras* are not men by virtue of anatomy appearance and psychologically, they are also not women, though they are like women with no female reproduction organ and no menstruation. Since *Hijras* do not have reproduction capacities as either men or women, they are neither men nor women and claim to be an institutional "third gender".

The Supreme Court, in the above mentioned judgement, further went on to say that, among *Hijras*, there are emasculated (castrated, nirvana) men, non- emasculated men (not castrated/akva/akka) and inter-sexed persons (hermaphrodites). TG also includes persons who intend to undergo Sex Re- Assignment Surgery (SRS) or have undergone SRS to align their biological sex with their gender identity in order to become male or female. They are generally called transsexual persons. Further, there are persons who like to cross-dress in clothing of opposite gender, i.e transvestites. Resultantly, the term "transgender", in contemporary usage, has become an umbrella term that is used to describe a wide range of identities and experiences, including but not limited to pre-operative, post-operative and non-operative transsexual people, who strongly identify with the gender opposite to their biological sex; male and female.”

The Legal Aid Centre of SLS- NOIDA aims at making the society aware about the struggle of ‘third gender’ persons. We aim that the society must recognize that the ‘third-gender persons also form an important part of the society; they too are human beings and deserve equal status in the society’. Through our initiatives, we hope to make people understand that third genders are a part and parcel of humanity, and thereby a part of our society. The object of our activities is to make people sensitive to their struggle for a decent livelihood.

II. Objectives

The primary objective of the event was to create a conducive environment between the society-people and the ‘third-gender community’ so that they may feel comfortable in company of each other. The secondary objectives were as follows:

- To provide a platform to ‘third-gender’ persons to share their real-life experiences.
- To make them feel that they are considered to be an integral part of our society.
- To make them aware about certain legal provisions that may help them in claiming their certain ‘fundamental rights’.
- To make people aware of the pain, agony and trauma that any third-gender person faces in his/her life.

III. Preliminary Preparations

- Some ground-work, like, meeting 'third-gender persons', creating a feel of trust among them, was carried before invitations were sent to their community people. They all were invited to come & participate and share their experiences.
- Various N.G.Os were contacted in r/o above invitations; but, we failed to convince them for bridging gap of no-trust between 'third-gender persons' and our team members.
- Third-gender persons were contacted at individual level; few of them got convinced to visit the college for the purpose of making out preliminary preparation.
- Preliminary meetings were conducted with them; team members were always in hot-pursuit to bridge that gap of 'no-trust'.
- Legal Services Authority, District Gautam Budha Nagar, was contacted to get them associated with our event which they agreed upon.
- Judges and advocates, through Legal Services Authority, were invited to participate in the event.
- Various other arrangements, like, logistics, administrative, financial, human-resources, etc., were also made out to make the event a success.

IV. Conducting the Event

Since, objective of this program was to hear problems of the persons belonging to 'third-gender community', and to sit across the table to know the problems they face in their daily-life, a good no. of persons from their community were invited. But, due to lack of trust among them for others, we could have not more than eighteen persons from third-gender community. They were invited at the college premise so that they could also mix up with the society and it could be established that they are no different from what we are in society.

The dignitaries were also to be the member of panel to this interactive session. The session was headed by the Hon'ble Mr. A. K. Singh (*Additional District & Sessions Judge*); the other panelist included Hon'ble Mr. Neeraj Gautam (*Civil Judge – Senior Division, & Secretary, Legal Services Authority, District Gautam Budha Nagar*), Dr. C.J. Rawandale (*Director, Symbiosis Law School Noida*), Dr. Madhuker Sharma (*Head, Legal Aid Centre, Symbiosis Law School, Noida*)

and Ms. Monika, a member of third-gender community. Advocates on-panel of the District Legal Services Authority had also participated in the session.

The program started with recitation of a Hindi poem by the anchors- Ms. Srishti Girdhar and Ms. Suganda Sharan; it depicted how the third gender community persons are no different from the society, and why they should also receive equal respect & equal treatment as other people in the society are entitled to receive. It further said that secluding them from the society is no remedy. The anchors brought into notice of the audience that this way, the target population belonging to third-gender community won't even be accepted in the society. It was emphasized upon by the anchors, through lines of the poem that the third-gender persons will have to fight for their rights to make their places in the society. After introduction of the guests and their felicitation, Dr. Madhuker Sharma was invited to the dais to share his views and commence the session.

Dr. Madhuker Sharma, started his words saying that how his thought process has changed in course of time. He said that till the initiative was not brought into his notice by the members of his team, he never thought of this issue, he never gave a thought to this section of the society. He shared his experience of meeting three persons belonging to this community when they visited his office few days back; he pointed out that only after meeting them, he got to know that all of them were not facing problems related to livelihood, or of money. But, the sad thing that he pointed out was his observation that he had made after meeting them; it was that 'third-gender persons have started living in seclusion'. He shared his experience of being stumped out by the first question that Ms. Salma put in front of him when she met him that day; it was - "*ki aap ye sab kar ke hame dila kya doge?*". He even mentioned about an instance from *Ramayan* in which Lord Rama had blessed this community to shower their blessings upon families on the time of happy occasions.

Ms. Monika picked up the discussion from where Dr. Madhuker has left i.e. the instance of *Ramayan*. She continued to speak how the members of the third genders are regarded as the carriers of blessings because of the fact that they are been themselves blessed by Sri Ram when he returned from his exile after 14 years. She continued stating her point, that their blessings or their saying are true because they follow two religions simultaneously. They are even

Muslims who offer 'Namaz', a holy prayer of Muslim, and at the same time they pray the God & the Goddesses through the way of 'bhajan' and 'kirtan'. She stated that as they pray both Allah and God selflessly, and without any motive, their blessings prove to be true. She even mentioned her real name as 'Guahar Islam'. She expressed her happiness as she was impressed by the initiative of the program because she believes that if the step forward is taken by the society like this, then they won't also turn their back and they will also walk along side to make both these communities as one. But then she exclaimed that how people of the society are cruel to them and don't regard them as humans at all. She exclaimed that each member of the third gender community have to face a great difficulty not only by their school teachers or by the society members but also by their own family members. She even narrated an incident of how she and her friend who was also third gender, were being abused by the police man; and how she fought back at the policemen at police station itself. Her idea of sharing that experience was to explain the audience that they behave unruly only in response to unruly behavior of others towards them. She expressed her joy on getting mingled with the audience and for the fact that they were they were been treated with respect. She even demanded an 'Identification Card' of their genders so that above mentioned abuses may be avoided.

Ms. Rihana, adopted daughter of Ms. Monica, carried the discussion further. She also narrated how she was been mistreated by her own brother and family. She was a college student at Delhi University and the students in the college mistreated her because of the fact that she was a third gender, and she was often asked about mentioning of her gender in identity cards of the college. She even said about how she had to leave computer course that was doing because of her gender only. It was so because of the fact that her teacher told her that the other students were being distracted because of her. She, as kind hearted as she said, left her studies and course so that others students could study at peace. She made just one request that they should be given equal opportunity to work.

She further narrated the incidents how the money becomes the driving force and they are forced to earn their livelihood by entering into the field of sex workers for then only they could survive. She has been working in association with NGOs a lot and she expects a great turn from the college. She said that she is doing her bit, but she is at least doing something to improve

their standards. She even narrated a metro incident where they even can't travel in peace in because of the fact that people start staring at her and pass comments on her & then they would laugh. She expressed her sadness by the thought that they have become laughing characters.

Hon'ble Mr. A.K. Singh, the Chief Guest, gave a better view at the law by referring to Preamble which starts with the words "We the People.....". He stated that even Preamble does not make any discrimination on ground of gender of a person. He pointed out that majority of the Acts/Legislations are not gender discriminatory as they have mention of 'persons' rather than "male" or "female". He said that though the society is wrong in not accepting the third gender community, but even the third-gender community persons are not at right side of the story whey they run away from the society. He had a logical point when he said that until both the communities come together, there would be no improvement or change in thought of the society. He left the audience with the arguments from legal perspective by pointing out that law is still not discriminatory, but, it is society and its mindset that discriminates.

The Hon'ble Mr. Neeraj Guatam took over the dais from Hon'ble Mr. A.K. Singh. He was on same page with the Hon'ble Mr. A.K. Singh when he said that mistakes are committed at both the ends. He just took an example of the fact that how women in the society fought for their 'rights', and how they have succeeded to earn 'respect' in the society. He pointed out that earlier woman also was not given respect, but, now they are treated not in equal to any man but even above him. In the similar fashion, he emphasized that; third genders should also fight for their rights and make their position in society.

The anchors then invited the advocates to speak and share their thoughts; one , Mr. M.C. Gupta, Advocate-on-panel, L.S.A., volunteered and spoke diplomatically that how the third gender communities use to extort exorbitant money by threatening the people of giving them curse otherwise. He replied to Ms. Rihana's statement with respect to the metro incident by saying that people use to stare even beautiful girls who travel in metro. He pointed out his view that it is glittering clothes that any third-gender person wears that attract attention of others. However, he said that he personally respect them a lot and he greatly appreciated the initiative of the college.

After the speech of various dignitaries, a presentation was given by Ms. Srijata Majumdar and Ms. Astha Gard. It was about the law and failures of law which denies the right to third gender community. The presentation ended with a video-clip of Manabi Bandhopadhyaya, first transgender college Principal from Kolkata. It presented that how the society has started accepting them at respectable positions. Then, the session was opened for question-answer wherein audience, including Mr. Vikram Singh, Faculty Member at S.L.S.-Noida, asked few questions from the persons sitting at the dais.

This question-answer session was followed by vote of thanks by the Director Sir. He summed up the whole event. He, firstly, apologized the third gender community for all that they have to suffer. He said that earlier even he used to think differently about them; but, he immediately pointed out that now his thoughts about them have changed. He shared his learning that how his grandmother has taught him the difference between **Matt-bhedh** (difference in opinion) and **Mann-bhedh** (emotional distance); and how one should never indulge in **Mann-bhedh** which is often confused with **Matt-bhedh**. Referring to the first point made by one of the advocates, he said that there should not be any restriction on what one should like to wear; one should wear whatever she loves. He told the audience that how we would contact them only at the time of some occasion, otherwise we do not even bother about them. He said that today's day was obviously an eye-opener for one and all present.

He shared his initial hesitation at shaking hand with Ms. Monika while felicitating her because he thought that she might not like it, but, this time, after taking her permission, he grabbed the opportunity to shake her hand as well and thanked her to be part of the initiative. He even appreciated the practice of third-gender persons of following of two religions; he exclaimed "this is India! a secular nation." He ended by saying, that '*jab hamari drishti mei he khot hai, toh hum auro pe ilzaam kaise lagaye*' which means that 'if fault lies with us, how can we blame others'. He thanked everyone, especially the guests from the third-gender community, for being part of the initiative and for making the event a success.

At last, all the third-gender persons were given bouquets by Para-legal volunteers of L.A.C.; everyone then proceeded for snacks & tea wherein personal interactive session continued for more than an hour.

V. Response of the Target Population

All of us were surprised to see the response that we got from the event. Participation of the audience, which majorly included students, was voluntarily; we got registration of more than seventy students. Bigger surprise was the turn-out when we saw that the auditorium (Moot Court Hall) was full of not more than one-hundred & fifty students. It reflects the interest with which the target population had participated in the event. Good no. of experiences were shared among the participants. We had to cut-short the time-slot that was scheduled for 'question-answer session' because we were running short of time. During tea-session, post-event, all the participants, judges, advocates, students, teachers from the S.L.S.-Noida, members of the L.A.C., and 'third-gender persons' were exchanging pleasantries; they were sharing their personal views through their personal talks. It shows success of the event.

VI. Future Plan of Action

We will conduct series of similar inter-active sessions between 'third-gender persons' and the 'non-third-gender persons' in social circle. In other words, we will introduce them in social circle wherein otherwise they are not welcomed to interact with.

VIII. Concluding Remarks

Overall it was a great experience. We were surprised to know why & how any 'third-gender person' feels agitated due to inhuman behavior/conduct of others whenever they come into social circle. At the same time, we, the non-third-gender persons, do also have issues with them. It was realized that unless both the communities are not provided a platform to share their concerns, to inter-act with each other, we can't bridge the gap that is existing within the society, which is otherwise very important to be broken-off.



(Hon'ble Mr. Anil Kumar Singh, Additional District & Sessions Judge, Gautam Budha Nagar)



(Hon'ble Mr. Neeraj Gautam, Civil Judge – Senior Division, and Secretary, L.S.A., District Gautam Budha Nagar, being felicitated by Director, S.L.S.-Noida)



(Anchors – Ms. Sugandha Sharan and Ms. Srishit Girdhar)



(A view of the auditorium – sitting on the dais from 'left to right': Dr. C.J. Rawandale, Hon'ble Mr. A.K. Singh, Hon'ble Mr. Neeraj Gautam, Ms. Monica, and Dr. Madhuker S.)



(View of the Audience)



(View of the Audience)



(View of the Audience)





(Ms. Srijata Majumdar, making presentation on behalf of the L.A.C.)



(Ms. Astha Garg, making presentation on behalf of the L.A.C.)



(Dr. C.J. Rawandale, Director, S.L.S.-Noida, giving vote-of-thanks)



(Group photo of Members of the L.A.C.)

(Starting from left to right: Mr. Yash Kotak, Ms. Astha Garg, Ms. Sohini Chowdhary, Ms. Antara Rastogi, Ms. Srijata Majumdar, Ms. Nikhita Kansal, Ms. Jasveen Kaur, Ms. Maithili Moondra, Ms. Nayanika Ruia, Mr. Saurabh Vamsi, & Mr. Aakash Gakhar – Ms. Sugandha Sharan & Ms. Shivani Dang, two other members missing in the frame)

List of 'office bearers' of Legal Aid Centre, Symbiosis Law School, Noida

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1	Dr. Madhuker S. (Asstt. Prof. of Law)	Head	9811083999
2	Ms. Sugandha Sharan (Batch 2011-16)	Convener	9654140774
3	Mr. Aakash Gakhar (Batch 2012-17)	Co-convener	9958187490
4	Ms. Aerika Singh (Batch 2012-17)	Para-legal Volunteer	8882880000
5	Ms. Shivani Dang (Batch 2012-17)	Para-legal Volunteer	9650800500
6	Ms. Srishti Girdhar (Batch 2013-18)	Para-legal Volunteer	9871017608
7	Ms. Jasveen Kaur (Batch 2013-18)	Para-legal Volunteer	9911121638
8	Ms. Maithili Moondra (Batch 2013-18)	Para-legal Volunteer	8826307196
9	Mr. Yash Kotak (Batch 2013-18)	Para-legal Volunteer	8527272859
10	Ms. Srijata Majumdar (Batch 2013-18)	Para-legal Volunteer	9871855424
11	Ms. Antara Rastogi (Batch 2013-19)	Para-legal Volunteer	8030887782
12	Ms. Nayanika Ruia (Batch 2013-18)	Para-legal Volunteer	8826779686
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14	Ms. Sohini Chaudhary (Batch 2014-19)	Para-legal Volunteer	9088100513
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