

" PEHCHAN ASTITVA KI "

Legal Awareness event and an interactive session with Third Gender persons

[Report on the event conducted in Kota (Rajasthan) on December 10, 2016]



ABSTRACT

An event was conducted by Para Legal volunteer of the Legal Aid Center, Symbiosis Law School, Noida, in Kota (Rajasthan) . It was an event where the third gender persons were made aware about the recent recognition given to their gender in India and about the guidelines laid for them by the Supreme Court of India . Not only this but also it was an interactive session wherein advocates, managers, principals, professors, other members of the society and persons from 'third- gender community ' participated. The third- gender persons shared with everyone their problems and the manner in which they're treated in the society. Advocates & Principals present there at the event also gave their views on the issue.

1. PROLOGUE

" NATURE CHOOSES WHO WILL BE TRANSGENDER, INDIVIDUALS DON'T CHOOSE IT"

- MERCEDES RUEHL.

Mercedes Ruehl, has very aptly said that it is the nature that chooses which human will be what in terms of gender and not the humans themselves. Gender of person is assigned to them at birth and not decided by them at birth. Gender in short, is a multifaceted construct, a complex phenomenon and is viewed varyingly in different societies.

In the context of Indian society, the transgender people are hardly accepted. All sections of society look down upon them. People think that being a transgender is a malady, they are diseased. People are neither concerned with their feelings nor with their problems.

For Indians the term 'transgender' isn't new instead it is an age old concept. Transgenders played a famous role in the royal courts of the Islamic world, particularly in the Ottoman empires and the Mughal rule in the Medieval India. They rose to wellknown positions as political advisors, administrators, generals as well as guardians of the harems. They were consider clever, trustworthy and fiercely loyal . However, their position changed with the advent of British in India.

The situation changed drastically. Accounts of early European travelers showed that they were repulsed by their sight and could not comprehend why they were given so much respect in the royal courts and other institutions. In the second half of the 19th century, the British colonial administration vigorously sought to criminalize the transgender community and to deny them the civil rights. They were then considered to be separate caste or tribe in different parts of India by the colonial



administration. In 1871, The Criminal Tribes Act completely criminalized being a transgender. The act included under its ambit all the transgender

- who were concerned in kidnapping and castrating children
- who dressed like women to dance in public places.

The punishment so prescribed for being a transgender was up to two years imprisonment and a fine or both.

In the year 1952 though the act was repealed but its legacy continued. It was their first criminalization that deteriorated their position in India for generations.

Multiple people made various efforts to restore to them the status that they previously enjoyed. However, nothing much was achieved.

However, in the year 2014 a ray of hope again aroused for them when they were given the status of third-gender in India. *National Legal Services Authority v. Union of India, (2014) 5 SCC 438;*

The concept came to the limelight, but not all the people were aware about it and that was the only simple reason why the issue was chosen up by the Para Legal volunteer.

2. OBJECTIVES

❖ Primary :

To make the transgender(s) aware about the fact that they have been recognized as third- gender in India.

❖ Secondary :

1. To provide a platform to third gender persons to share their feelings and problems that they face in the society.
2. To make them (third- gender persons) aware about certain legal provisions that may help them in claiming their certain 'fundamental rights'.
3. To make other people aware about
 - the fact that the transgender(s) have been recognized as third- gender in India.
 - the agonies/ problems that these people face in their lives.
4. To spread awareness among the people about the guidelines laid for the third gender persons by the Supreme Court of India in the case of National Legal Services Authority v. Union of India, (2014) 5 SCC 438

3. PRELIMINARY PREPARATIONS

1. Meeting the 'third-gender persons', creating a feel of trust among them, before sending invitations to their community people inviting them to come participate and share their experiences.
2. Designing and distributing pamphlets, making charts and posters etc.
3. Inviting the Advocates, the Professors and the Principal for participating in the event.
4. Making various other arrangements like booking of the hall where the event could be conducted, arranging for the refreshments to be served during/ after the event, arranging for the gifts to be given to felicitate the Third gender persons, Advocates, Professors and Principal.

4. CONDUCTING THE PROGRAM

The event was conducted in the Kota city of Rajasthan. Maximum number of people living the city were not aware about the fact that transgender(s) have been recognized as third genders in India, so it was absolutely a fresh concept for making the residents of the city aware. The event began with introducing and welcoming of the Third -gender persons and other invited persons with a round of applause. The host of the event (Accountant, Department of Post) then invited the Para Legal volunteer to talk about the issue. The volunteer, initially, discussed about the status of third gender persons before and after the Independence and then the discussion about recent changes/ development was taken up. Further, the Head (Guru viz., 'Tarabai') of the third- gender persons community shared the problems that their community faces at the hands of the member of the society and about also about the ideal manner in which the society should function. The latter part was also stated by other members of their community . After this the Advocates, the Principal and the Professor talked about the issue and the manner in which the false mentality of the other people in the society should be curbed out. Last but not the least, all the third- gender persons were felicitated with the bouquets and the gifts.

5. RESPONSE OF THE POPULATION

The population of the city was totally unknown about the concept and therefore, the concept was quite new and fresh to be taken up in the city. Initially, the Advocates were not willing to participate in the event but when they came to know that the third gender persons have agreed to attend the event, they also agreed. Much to the surprise of Para Legal volunteer, was the participation of the public living in the city. Each and every person who attended the event was extremely happy to interact with the Third gender people. Naina (a third gender) asked anyone from the audience to eat from the plate that ze was having and then one of the female from the audience got up and ate chips from the plate. Not only this but also the female hugged Naina tightly and asked everyone else to clap for ze smilingly. The moment will always be cherished by the volunteer. The event was a huge success and it even got reported in the three known newspapers (The Hindustan Times, Dainik Bhaskar and Rajasthan Patrika)

6. FUTURE PLAN OF ACTION

One session was not enough to make every resident of the city aware about the concept and therefore it is suggested that more programs like these should be organized in future.

7. FEEDBACK/ SUGGESTIONS

Various ways in which the program could be better conducted in future are as follows: -

- ❖ No. of Volunteers- The number of volunteers for the program should be definitely more than one, because if there are more helping hands, then the objective could be better served and achieved.
- ❖ Association with NGOs- A prior association with NGO functioning in the particular area would help in a great way to execute the program successfully because they could help to accumulate groups and they could also improve the techniques of the execution of the program.
- ❖ Information to the Police Department- An association with lot more volunteers and a larger target audience and a proper street display of banners and posters requires a prior information to police department so that operation and program could be conducted without any hindrance to the society.

8. CONCLSUION

Overall this was the great learning experience as a para-legal volunteer. It provided the P.L.V. with an opportunity to go out and explore the ground realities which are very needed and useful for every law student. It helped in acclimatizing the volunteer to the problems faced by the masses ignorant about their rights and remedies under the law.



Picture (1): Para legal volunteer (Akriti Mehrish) discussing about the issues



Picture (2) The third gender persons (in 1st row) and other members of the society listening to the issues



Picture (3): Prof. Upendra Nath Sharma expressing his views on the issue



Picture (4): The third gender head 'Tarabai' can be seen expressing feelings



Picture (5): 'Naina, a third gender' expressing feelings



Picture (6): Sr. Adv. Brahamendra Mishra Ji talking about the issue.



Picture (7): 'Host, Mrs. Sonika Sharma, Accountant, Department of Post expressing her views on the issue



Picture (8): Adv. Sunil Mehrish felicitating 'Tarabai' (Head of Third gender persons)



Picture (9): 'Everyone sitting together'



Picture (10): Third gender persons shown blessing the Para Legal volunteer (Akriti Mehrish) of the Legal Aid Center, S.L.S- NOIDA.

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