

A Note on Third Sex

Like elsewhere in the world, there are a certain group of people in India who belong neither to male nor female gender, but to a third gender, known by various names such as eunuch and Hinjra. Reversely speaking, and in a positive sense, they can be described as persons of mixed gender, for they show a combination of physiological and behavioral features of both male and female humans. However, it is absolutely certain that the persons of third gender or mixed gender are as much human beings as their male and female counterparts. Thus in a human society like ours, the persons of third gender should enjoy all those rights and freedoms, which the persons of the other two genders are legally and constitutionally entitled to.

Though quite some countries of the world have partially, if not fully, granted the human rights of the people of third gender, the Indian polity is yet to accord a formal recognition even to the bare existence of such a population group, which has been created not by any artifice of man, but by nature and providence. And it is a shocking irony that while the mythologies, legends and chronicles of India abound in reference to characters of third sex, and that too, not always with contempt and rejection, the existing nation-State of India along with its Constitution, laws and administrative apparatus has adopted a position of silent ostracism against its 'third sex' citizens. Just look, for instance, at the formats used for preparing the Census or the Voter's List, the two most essential records of our republic. Is there any space for enrolling the persons belonging to a sex other than male and female? No. Thus, the persons of third sex born and living in this country have not been accorded the status of 'citizens', though strictly speaking, as per the Part-II of the Constitution and Citizenship Act of 1955, anybody who is born in the territory of India becomes ipso facto its 'citizens by birth'. Added to such a state of appalling paradox is the pathetic reality that most of these 'third sex' Indians though living below poverty line are not entitled to any of the benefits admissible to BPL families under various social welfare schemes and programmes of the Govt. As a result, they are willy-nilly driven to an underground life-style where they get involved in the crimes like drug trafficking and prostitution for their bare survival, and end up as vehicles of HIV/AIDS, the worst menace staring mankind in face.

Thus it is no longer a juristic question, whether the third gender be recognized as a human gender like the other two ones and accorded equally all the rights and freedoms due to them, but a question of the very survival of mankind in the face of the global epidemic called HIV/AIDS.

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