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The Everyday Life of the Hijras in Kolkata

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Abstract: The *hijras in India have always experienced liminal visibility in the mainstream society. The annulment of the penal code-377 is a recent progress made in empowering the hijras by the Supreme Court of India but much more needs to be accomplished. The hijras as a community have their identities rooted in Indian culture and tradition. These imbrication of the contours of definitions of identities creates liminal representation of many segments of the sexual minority and this amplifies in case of the hijras. The partial representation of hijras is specific to space and illustrates a close connection between space and gender performativity. The hijras demonstrate different versions of their sexuality depending on the place and context in which they are enacting. The reflections of a hijra's lived experiences embark on the liminal representation and closeted performances showing the partial treatment of hijras in society. This paper focuses on how the under-representation of the hijras creates regular coercions and oppressive treatment of them both in public and private spaces. The hijra community has its own normative structure and it is embedded within the connotations of sexuality and gender. Therefore, the rights of the hijras are not safeguarded by the Constitution of India. Due to their ambiguous (conventional conception) sexuality the hijras are secluded from the mainstream society and receive skewed treatment and acknowledgement from the legal structure of India. The paper tries to draw a linkage between transsexuality, and liminal visibility and closeted performativity of hijras in Kolkata. The presence of inadequate laws accompanied with an absence of collective acceptance towards the ambiguity perceived as being embodied in the body of a hijra in Kolkata is the core theme of this paper.*

Keywords: Gender performativity, liminal visibility, front stage interaction, back stage interaction, ghettoization, closet, transsexuality, queer.

Introduction

The term 'hijra' has its origins in South Asia, often depicted and mentioned in Indian mythological accounts, thereby highlighting India's liberal attitude towards transsexuality. So, when the history of the hijra community is seen, we find the mention of their existence in the Mughal harems. The Hindus nurse a belief that the hijras have the power to bless people and instil fertility. But the relevant and significant concept that acts as an essential factor for the emergence of such a community is their sexuality. The word 'hijra' means someone who is neither a man or a woman, and who is sterile and their sexuality does not fit the heteronormative framework of male and female. A 'hijra' is someone who is born with ambiguous genitals and is deformed. A particular discerned idea about a hijra in the public consciousness is someone who is asexual, incapable of procreation and clairvoyant as she can bless people with fertility by virtue of them being infecund. The hijras are to the host of audience a group of effeminate men begging for money. The colourful rather tacky bright sarees, bawdy make-up and jewellery, manly voices hurling abuses with claps, the transgressive acts of bargaining for money from the house which has been blessed with a new-born constitutes the common vision. There is a limitation of this common vision, there is latent functionality of this gender performance (Merton in Wallace and Wolf 1995). But before I start settling the question what does the term- 'hijra' mean, the main concern is to know, 'why are they marginalised, segregated and labelled as misfits and abhorrent in the society?' and in the process of knowing I intend to deconstruct the connotations of the term – 'hijra' (both agential and cultural).

'Liminal visibility' of transsexuality and non-heteronormative sexualities in post-independence era

1. Locating the backstage interaction in ghettoes

Akshaya Rath discusses queer as an emerging alternative canon by emphasizing on religious, legal and social discourses of queer life through concepts of 'closet' and 'queer' in literary works (Rath 2013). Rath's work shows how the criminalization of homosexuality penetrated from the west to the orient especially in India. The surveillance on sexuality pervaded the mainstream

domain of literature, instances of homosexuality were marginalised and repressed from being read and written. He argues that penal code of 377 is a by-product of the British rule in India. Rath uses Foucault's 'History of Sexuality' to show how queer relations or discourses relating to queer literature are always repressed through law/legal enforcements (Foucault 1980 cited in Rath 2013). Foucault, according to Rath, terms this as the Victorian attitude of pathologizing non-heterosexual behaviour and making it an element of medical gaze. The marginalised domains also have specific ways of existing –which happens through the closet, a space that is partially visible to the public eye and protects the community indulging in homosexuality from the scrutinising canon of law, religion and other apparatuses of mainstream society. The closet is that space where an uninhibited milieu of the queer and homosexuals happen, its hidden from the mainstream gaze, hence protecting it from discrimination and oppression. The hijras even in the aftermath of independence kept themselves hidden from the public gaze. This is not to say that they do not come out on the streets or do not engage in any sort of interaction with the public. Goffman's concepts of 'front stage' and 'back stage interaction' is highly commendable for conceptualising interaction that hijras have in their lives (Goffman 1956). The interaction with the mainstream society in the context of begging and blessing is completely a 'front stage interaction' (Goffman 1956).

I was told by many of my respondents during my MPhil research that hijras mostly do not talk about their whereabouts. One of my respondents-Bani says that the hijras in Kolkata mostly live in the places which are densely populated by the Muslims. Bani tells me that the hijras mostly go to bargain for money by blessing new-borns in Hindu households, as Hindus know less about hijras and are unaware of the fact that they are not always asexual. Meenu, a hijra by profession, hesitates to mention about the hijra ghars/ houses are spread all over Kolkata. I could only enter into one hijra daiyyar/house but was not allowed in any other hijra daiyyars. The hijras keep their personal matters out of the purview of the public. The knowledge about the hijras is kept confidential and only limited information is disclosed to the public. The 'back stage interactions' are mostly kept away from the public gaze (Goffman 1956). The reason, as Ameena says, is that the hijras

are thought to be possessing no organ or having ambiguous genitalia, although that may not be the case always. They are, as Leena says, mostly born with male sexual organs. A secrecy is maintained around hijra sexuality, hijras even those who are working as khajrawalis/sex-workers, mostly keep it a confidential matter.

The ghettoization of the community happens within certain spaces; in these spaces the daiyyars/hijra houses are situated and there are some spaces called 'queer/gay cruising sites' in Kolkata which are confidential areas for milieus. These cruising sites are confidential and are places where the members of the LGBTIQA+ (Lesbian, Gay, Bisexual, Transgender, Intersexed, Queer, Asexual) community meet and form connections. The main argument is that these are spaces where the transwomen and hijras feel freer and socialize without any outside interference, where even the state with all its surveillance is non-existent. The ghettoes are secret spaces which are 'closets' where the hijras, transgenders, queers, homosexuals get together and form a network; these 'closets are kept confidential from the public gaze, hence proving the marginalised position of hijras within the society (Rath 2013). Jamini says:

> I went through a lot of financial crises. I came across more transgender people like me, among whom were - Babul and Raju. After meeting them I felt a breath of relief. I went to wetland park (name changed) opposite a cinema hall which is a queer/gay cruising site. These cruising sites are places for sexual intimacy especially in the dark of the night. I had later done sex-work there quite often. Initially I was a bit hesitant as I didn't know how to cross dress and it was impossible to cross dress in my house and go out. I feel that the term 'cross dressing' is problematic because I feel that the way I dress is a reflection of the way I want to carry myself. A man's clothes were never comfortable to me. I dressed in women's houses who stayed (who were my close acquaintances) in Kalighat and worked as prostitutes. I still remember that for the first time I decked up in their house and wore a black, short dress and went to wetland park. (Jamini)

2. The 'front stage' interaction in the public

The politics of resistance and bargaining is to niche out a space for itself. The claim of one's existence in public space - in trains, traffic signals - is also a struggle for exerting one's presence and demands. The politics of putting forward one's identity against an intolerant attitude towards transsexuality is the pivotal element in the everyday struggle of a hijra. For her/hum politics of identity is always to assert the ambiguity of sexuality. The hijras by clapping, abusing and lifting skirts exert their existences and this pattern of behaviour constitutes the 'front stage interaction' of the hijras (to use the phraseology of Goffman 1956). The sexuality disclosed to the public is only a partial depiction of the hijra sexuality. The hijras also pretend that they do not possess any male organ and assert their sterility by virtue of which they can ask for alms (on the account of proving deformity in the public consciousness). The pretension of infertility and asexuality promotes the belief that the hijras are asexual and hence appropriate to bless people. The hijras promote and execute through performance the belief that they are celibates having the power to bless and give 'dua' (good wishes) to people. They are like 'sanyasis'/ascetics who beg for alms and in return bless those who give them money. The politics of expressing themselves as asexual and sterile is promoted to keep the hijra profession going. The strategic enacting of an identity (hijra identity) to earn entails the process of 'bargaining' (as used by Kandiyoti to describe an act executed by women by putting forward one' interests from a subordinate position) put up by hijras in their interaction with the mainstream society (Kandiyoti 1988). The politics of sexual identity entails a deep relation with space. The hijras are very particular about maintaining an air of secrecy about their inner sexuality from the public domain when they are interacting with the outside world as hijras. There is a continuous negotiation of sexual identity occurring differently in different spaces for the hijra in their everyday life. Manasi narrates:

> When you work as a hijra, it is essential to obey the codes of conduct pertaining to the hijra culture. It is a profession which entails a decorum and a set of restrictions when it comes to display one's gender in front of the society. I work as a prostitute but keep it confidential when working as a hijra. The term 'hijra' embarks on a different reputation,

> an esteem of being ascetic but I am not asexual so I maintain complete sexual abstinence while working as a hijra. But apart from working as a hijra, I am confident in displaying my sexuality when working as a 'launda dancer' (a dance performance by a hijra or a transwoman in the festival called logon celebrated in eastern Uttar Pradesh and western Bihar) and also as a sex-worker. (Manasi)

The hijras in their personal spaces also have restrictions imposed on their sexuality. Bani says that she has seen many *nayaks* (the hijra who heads the hijra *daiyyar*/house) who had boyfriends and met them outside the *daiyyars*/hijra houses and returned late at nights. She says that these *nayaks* never disclosed their relationships in the *daiyyar*/hijra houses and maintained an air of secrecy around it. Staying in *daiyyar*/hijra house prohibits the chances of having sexual relations to a great extent. Sexuality is always the domain of contestation for the hijras.

3. Liminal representation of the hijra community

Arvind Narrain (2004) talks about the oppressive measures taken against non-heterosexual imagery, act, characters, and he talks about the intolerance of politicised Hindu doctrines against LGBT (Lesbian, Gay, Bisexual, Transgender) protests and emancipatory movements. The point of observation of his is that the Indian literature is full of exemplars of transsexuality, intersexuality and homo-eroticism. Narrain discusses about the queer identities in the era where Hindu right wing parties hold noteworthy positions of power. These political parties concentrate on two strands of concerns – an identity issue and a health concern. The nationalist dictates of Hindutva ideology often create emancipation of queer and hijra ideology difficult. The homosexual behaviour is largely depicted as criminal and deviant. The article by Narrain (2004) uses case studies to elucidate on how homoeroticism gets criminalised highlighting the fact that working on HIV/AIDS and promoting safer sex are not always connected to determine what deviant sexual practices are and what are the intrinsic sexual orientations of people who are pathologized and criminalised. The penal code of 377 was also used for safeguarding sexual crimes against children; it was discriminating as carnal intercourse with a human being was given equal standing with other deviant sexual

offences. An anal intercourse or oral sex which is consensual was labelled as a criminal act between two adults. Narrain writes:

> There is, however, a valid critique that this compromise makes a mistake in asking for the decriminalization of same-sex sex acts in private because this means that Section 377 would still apply in public spaces. This is, on its face, discriminatory: public same-sex activity should be subject to the existing panoply of nuisance laws found in the Indian Penal Code and state Police Acts, which in any case apply to both heterosexual and homosexual conduct. A further justified criticism is that if the objective is to decriminalize oral sex and anal sex so that such behavior is not driven underground (and thereby intensifying the risk of unsafe sex), the objective stands defeated by excluding public sex from the ambit of the reliefs claimed (Narrain 2004: 156).

Narrain emphasizes the work of Naz Foundation in protesting and legally moving against the penal law of 377. Naz Foundation received partial success in its attempt as the law was active and applied in the public space but was relaxed in the private zones. This was quite a paradox because the liminality and the partial recognition as coexisting citizens was still very much in the picture and the struggle against this law continued. The law went against the very sexual orientation and behaviour of the sexual minority which denied them legal acceptance and tagged them as pathological. Moreover, this divide between the public and private space is questionable and as Narrain says that it equated the same-sex, consensual sexual intimacy with that of illegitimate sexual behaviour done by miscreants in the public space. The law protected sexual crime against children and prohibited sexual intercourse among homosexuals and queer people, therefore a law catering to two different incidents fail to bring clarity and justice. The existence of the penal code of 377 facilitated the oppression, violence and intolerance towards hijras. One of my respondents, Kajal, says that the police often harass the hijras and hijras have to be cautious enough to not fall prey to the police.

Asha (respondent) who is an untiring activist shares her encounters with the police as thus:

> I got physical with a guy in a compartment of a train in the train-shed and the police caught us, I cleverly got up and said to the policeman that I was now ready to seduce him. I often made love in the vacant compartments of the trains garaged in the train-shed and I had to deal with policemen who were often strict and harsh on me. (Asha)

As stated by the hijras in Kolkata, the police and the state are very harsh on the hijras and a hijra in reality has no right whatsoever to exert her existence and protest against the encroachment into her privacy and rights. The harassments and oppressive measures in the public space are legitimized due to their partial representation and marginalized status. Anita Chettiar (2015) has brought to light the oppressions faced by the hijras in the hands of the police and doctors in Mumbai. The article deals with the socio-economic conditions of the hijras, and the harassment they face because of their marginalised status and the stigma that surrounds them. Chettiar mentions of one of her respondents who said: 'sex is what you are born with, gender is what you recognize and sexuality is what you discover' (Chettiar 2015: 752).

Chettiar (2015) further observes that everything in the life of a hijra centres around the idea of deformed sexuality. She highlights the structural violence subjected towards the hijras. The police and the doctors ignore the basic rights of the hijras by not giving them service. The police especially men in uniform are accused of raping and harassing the hijras. The hijras in Kolkata stated that many of them go for surgeries for artificial breast implants and many other sex-change operations and often end up with quacks. The main problem, as Chettiar argues, is with public health institutes as they avoid the treatment of hijras because their trans-sexuality appears ambiguous to them and they find it difficult to place them either in a male or female ward. Chettiar says that hijras prefer female wards as often male wards lead to problems of harassment by the male patients. The other main observation made by Chettiar is that the laws are also unfavourable to the hijras. Stringent laws, like the penal code of 377, act against the rights of the transgender population. In spite of Article 15 and 14 of the Constitution, the hijras are not counted as registered citizens and face inequality and coercion in exercising their freedom in exhibiting their sexuality.

From the articles discussed above it can be discerned that the hijras have a shadowed existence. They are by and large debarred from enjoying their Constitutional right to live as citizens and the opportunities they are supposed to enjoy as citizens. In reality the hijras have to fight for every inch of social space are debarred from even dreaming of a decent life with some kind of dignity. In the eyes of State, law and administration they constitute a disenfranchised lot. The mainstream society is not prepared to accept them as "normal" human beings. Often, the hijras use their sexuality to appease the oppressors. As Asha (narrative quoted before) stated that whenever a policeman caught her making love in the vacant rail compartments, she got up and offered herself to the policeman. This is one of many survival strategies they resort to in order to make a living.

4. The spread of HIV/AIDS and the rise of NGOs

The closeted sexual minorities and their practices, especially sexual interactions, drew the attention of the government officials out of the rising HIV concerns. Suparna Bhaskaran illustrates the genealogy of the cases which fell under the jurisdiction of the penal law of 377 from the colonial times to the post-Independence period. Bhaskaran observes that sodomy and homosexual groups were looked at as the high-risk groups that could catch and spread the HIV infection across the country. Bhaskaran refers to Tihar jail incident which brought to light the association between HIV/AIDS and homosexuality. The Tihar jail incident was an instance where homosexuality was treated as obscene and pathological. Homosexual activity in the jails compelled the judiciary to reconsider the penal code of 377, which was partially relaxed in private domains. Organisations specially Naz, as mentioned by both Narrain and Bhaskaran, moved to the court to challenge the penal law of 377, which the organization thought, is unconstitutional. The struggle was not easy and the members of Naz foundation were harassed and charged with the offence of promoting and practicing sodomy.

Narrain's article highlights the fact that working on HIV/AIDs and promoting safer sex are main the concerns of the state but the social stigma experienced by the hijras is not given much attention by the Indian government (Narrain 2004). The penal

code of 377 was used for several other sexual crimes, it was discriminating as anal or oral intercourse with a human being was given equal standing with deviant penetration with a child or animal. The argument in the Naz petition is that, there needs to be different laws for varied sexual crimes. The penal code of 377 incorporates and labels all sorts of non-heterosexual behaviour even if it is consensual as abhorrent. The homosexual and queer population were tagged and labelled as criminals and pathological for their sexual behaviour. The government implemented schemes which only targeted the non-heterosexual population classifying them under - MSM (men having sex with men) category, as homosexual sex was viewed as sodomy and was considered to be the major source for HIV/AIDs to spread.

The hijra community had always maintained a 'liminal visibility' in the public domain and existed as a secluded yet autonomous culture till date (Roy 2014). The hijra community has an age-old, traditional structure, so it thrived on the belief system that they are celibates, asexual and ascetics, thereby capable of blessing people and begging in return. Transsexuality survived under the disguise of asexuality as asceticism is linked with asexuality and is revered and respected in Hinduism. Though seen as ascetics, hijras are not kept at a pedestal where they receive respect and importance, the hijras still operate from the vantage point of being the ambiguous, 'hybrid' bodies (Patel 1997). The hijra community counter the mainstream culture by existing as a separate cultural arrangement, and negotiating with the larger society at special junctures of interface.

The issue of representation and normalisation of the non-conforming sexual identity came to light in the year 2000 in Kolkata as stated by my respondents Bani and Asha. Asha and all other respondents in my study talked about the initiative of the NGO named Manosij (name changed). Manosij, as Bani told, made path-breaking work to represent the sexual minorities. Bani said:

> But with the passage of time, I left the work in the factory and travelled to Bombay and got a job in a Beer Bar, to work in a dance group. Later, I joined Manosij. I am now currently associated with another NGO but it is through Manosij that I came in contact with hijras. I have worked

> as a hijra but I have never been deeply associated with the culture or the community. (Bani)

Asha said that her activism became full-fledged after she joined Manosij and continued the activism in representing the sexual minority. From there, she moved to the hijra community feeling that the population of transwomen is mostly concentrated in the hijra community and their voices are not adequately loud and articulate. She also said that 'hijra' connotes a trade, a business and emphasized on the fact that her sexual identity is - 'transwoman' and not 'hijra'. According to Asha, the terms 'transwoman/transgender' as a sexual identity is much more relevant and the word 'hijra' serves better as a profession, which feeds many. But this distinction between 'hijra' and transwoman or transgender is relative to the individual. Diya told me that there is a difference between transgender and hijra. She tells that hijras and transgenders have different esteem and respect, she uses the word 'izzat'/respect as the basis of differentiation. Diya said:

> I asked her, 'what is the difference between hijras and transgenders? She said, 'transgenders are different, they wear 'jeans pant', meaning trousers, they do dance performances and other jobs. Hijra is a profession. The 'izzat' or respect that hijras and transgenders get are of different kind. The nature of izzat is different. She clearly said that transgenders are different from hijras. (Diya)

Diya further explained that transgenders dress up differently, they wear "jeans, pants" meaning western dresses whereas hijras prefer traditional attires; somewhere hinting that the meaning of the word hijra is rooted in tradition unlike that of the transwomen. The rise of NGOs made a solid ground for the emergence of newer categories, one of them being transgender specifically transwoman thereby creating a ground for contestation for the two sexual identities – 'hijra' and 'transwomen'. The differences do not have clear cut boundaries and do not have any definite set of characteristics whereas the conceptualisation of these categories varies with the subject, context and time.

5. Cultural Implications in the Significations of Sexual Identity

The hijras do not always get a fair representation of them through the NGOs. Moreover, the term 'hijra' is not just a sexual identity; many hijras in Kolkata consider it to signify a culture which encompasses every aspect of hijra life. This culture is based upon an alternative paradigm to the way the mainstream society looks at them and treats them. One of my respondents, Anita says that the transgender activism and awareness often fail to associate with the virtues and values of the hijra community. She says that many entrepreneurial trans-leaders have tried to bring the hijras in their fold by joining the hijra ghar/house, but hijras generally do not collaborate. Moreover, the entrepreneurs of the NGOs are also driven by their own interests. Anita also tells me that the recent Transgender bill (the Transgender Bill of 2018) is also against bonded labour, the guru-chela relation is based upon some kind of slave-slave-owner relationship, which demands unconditional mission to the authorities. The NGOs advocating transgender freedom and rights often do not comply with the hijra social structure. The hijras, on the other hand, have been following these long-standing normative structures, the whole economic institution of the community works on the structured rules and regulations. Anita says that 'transgender' as a sexual identity receives prominence in their treatment by the NGOs as the transgender identity is well known and works fine for obtaining funds from international doners. The foreign international organisations were unaware of the hijra culture in India while 'transgender' was a familiar term in the West. Hence the NGOs extracted money in the name of welfare of the transgender community and do not use the term hijra. Thus, the hijra identity remains neglected. Being asked about hijra-HIV connection Anita said: "the connection is a real concern and seclusion also takes place within the hijra community as well". She added: "those (among the hijras) who disowned her guru are infected with HIV".

Often funds are provided by foreign organisations which are completely in the dark about the hijra population in India and the funding agencies do not have a system to monitor the utilization of the fund. Asha complains that a hijra's voice in scarcely heard, her problems often receive less attention. Majority of the transwomen population are in the hijra community; their needs do not get addressed by the NGOs. The projects of promoting

techniques of safe sex among men did not cover all the concerns of hijra life. There has always been a requirement for an initiative to address the issues of the hijras holistically and not just from the vantage point of health. Bani says that all the queer/ homosexuals came out of their homes when Manosij (NGO) initiated its programme to work for the welfare of the sexual minority. But Manosij got dissolved and disintegrated, which, Asha says, resulted in competing entrepreneurs to start their projects and address the needs of certain segments of the sexual minority and there was competition among different leaders to gain limelight and power. Hijras were not flexible enough to be part of many different programmes initiated by the government for improving the health of the sexual minority.

I have asked Rita that the terms 'transgender', and 'hijra' often are overarching categories for the transwomen, so how does she comprehend the meanings of this two existing, incorporating terms. The important part that Rita says that transgender and hijra are umbrella terms, the former is for the literate people and the later for the uneducated people. Rita narrates:

> But the hijra brings with itself not just a sexual connotation but also a profession, a culture which maintains a structure, and a way of behaving. This tradition has penetrated down from the reigns of kings and sultans where eunuchs were kept in harems besides queens often to protect the queens and also to serve the kings and courtiers. So, this structure of hijra community is an age-old system which has its own laws. The hijras like to dress eloquently, live in luxury, these ways haven't changed through time. The system continues even today. (Rita)

Rita says that the term transgender is a category for sexual identity, popular and adhered by the literate population while hijra as a sexual identity stands as an umbrella term for the illiterate population. This signifies that hijra and transgender/or transwoman are overlapping terms catering to the same group of population experiencing transsexuality. There are hijras who consider 'hijra' to indicate a profession but consider 'transgender/ transwoman' to be their sexual identity. Krishna worked as a hijra before and says that as a sexual identity she prefers transwoman, because the word trans- defines her transition to a woman. To

her she was a working as a hijra and hijra holistically stands for a culture. So, the politics here is that any individual with a non-heterosexual identity often has to go through a series of life-long struggles to become represented in the society. The concerning issue is even after daily struggles and resistances many segments of sexual minority are often not socially identified and legally recognized. In case of the hijras, who already have an existing structure, face competition with individuals (especially transwomen) who adhere to newer western terms and start getting more importance and financial support because often NGOs vouch for certain categories which are popular in the west to get funds from foreign organisations. The idea of hijras asserting their sexual identity as transwomen conflict with the cultural idea of 'hijra' sexuality because it proposes its specific connotations of sexuality as ascetic and asexual constituting an attribute of a continuous transition towards femininity but not changing completely into a woman meaning a liminal sexuality, but in reality, not every hijra follows this and their sexuality does not match to such abstract constructions of sexuality. There is always a negotiation or a 'bargaining' to assert one's identity both with the mainstream as well as the hijra culture (Kandiyoti 1988). Asha says that she is transwoman but her profession is that of a hijra. Similarly, Ameena says the term 'transgender'/ 'transwoman' are used interchangeably depending on the context, space and role one performs. The identity politics is present in every aspect of their lives, in both personal and public spheres. The hijra culture has sexual underpinnings as the basic source of its emergence, hence the politics of sexual identity and its representation and expression is the major part of a hijra's life.

6. Norms and Sanctions in the hijra community in Kolkata

The rituals, customs and norms of the hijra community were never laid out in well-documented legal records. The rational-legal framework of the modern state never accommodates the traditional normative structure (hijra community) nor does it negate or reform the existing cultural structure (Weber stated in Morrison 2006). The hijras have been isolated in their own domains. The marginalisation occurs in every sphere of a hijra life. The hijras are confined to their claimed spaces and negotiations and conflicts

in the society happen when these two cultures meet or collide over an issue. Rita, one of my informants, refers to an incident of conflict regarding heirship of the property of a deceased guru in the community. Rita says that when a hijra dies, her family members often come to claim her property and wealth that she had accumulated. The custom in the community is that the property and wealth pass on to the 'chelas' (the disciples of the deceased hijra who was a guru/master to them) of the deceased hijra. It is the chelas who look after her in her illness and old age and stay along with her till her last breath. But the hijra rules of succession are not written down and are not legitimate, so the problem that emerges is that the state laws and the police are left with zero information about the hijra customs. The rule of heirship follows the family line (nearest relative) and not according to the hijra norm in the legal system. The rights of the 'chelas' (disciples) do not come within the ambit of the law. But hijras use the power of their number, voice and gestures to get a hold of the situation. The hijra go to the police stations clap, argue and voice their claim over the property of the deceased. The hijras go in groups in police station, and contest the claims of the deceased's family. The contestation between two knowledge systems belonging to two different cultures occurs in such situations where there is a sharp conflict of interests.

The same type of marginalisation occurs in the representation of the hijras in the government identification records. Shahana (one of my key informants) tells that the UIDS (unique identification numbers) previously did not have the option of transgender or third sex, since there was recording of only "male" and "female" categories. Now that a third option is available, there are immense hurdles to renew and revise the old identity proofs. The ambiguity in representing non-heteronormative sexuality stems from a lack of flexibility and lengthy procedures accessing the government records.

Rita, in this context, told me that the rules in the community are not documented but are passed orally through the generations. The rules, norms, sanctions are embedded in the kinship system and provide a layout of prescriptions and proscriptions based on kinship hierarchy. There is a rule of paying a compensatory fine to the *nayak* (head of the hijra house) if her chelas (disciples) do

anything which breaches the rules of the daiyyar (meaning hijra house). She further told me that in Kolkata, the hijras are less abusive or aggressive and the gurus (masters) here are not so coercive in their treatment of the chelas (subordinate disciples) unlike in other parts of the country. The guru has to pay 'don' meaning compensatory amount to the nayak (head of the hijra house and who is senior to everyone in the house) when a guru (master) beats up her chela (disciple). Any breach of law is punished according to the shared norms and sanctions. Fights and consequent punishments are common in the community. Mala said:

> A breach of any norm, will lead to 'court kalaam' (meaning judgement) and the person identified as the offender has to pay a "don"/ compensatory amount often ranging between 30,000 and 40,000 rupees. The junior chelas are subjected to more oppression and are often victims of mental and physical abuse. (Mala)

The customs are coercive as appears from Firoza's articulation:

> There were instances of harassment; there are milieus or meets on particular occasions or when any hijra who used to be a reputed nayak (head of the hijra house) or mukhiya (strong leader who is a powerful nayak and selected among many other nayaks to lead the community) dies. In one such mileu I went to sit on the bed and my aanchal/ part of a saree left undraped from the shoulder fell on a hijra who was senior to me. I had to pay a compensatory amount ('don') for that "offence". The standing rule is that the juniors should maintain a distance from the seniors, else, they have to pay a fine. (Firoza).

Conclusion

The government implemented schemes perceive the non-heterosexual population as carriers of infectious disease (HIV/ AIDs) and incorporate the whole population of the sexual minority into the category MSM (men having sex with men). The 'divide of private and public' is problematic as it raises the issue as to why oral or anal sex was prohibited in the public space but allowed in private domains, thereby questioning the validity of the criminal

offence ensued after non-heterosexual intimacy (Narrain 2004). The hijra community had always maintained a 'liminal visibility' in the public domain and existed as a secluded yet autonomous culture till date (Roy 2014). The hijra community follows a traditional structure and thrives on the belief system rooted in Hinduism and continues to be that segment of the sexual minority population who are celibates and ascetics as long as they do not disclose their sexuality. Transsexuality survives in the disguise of asexuality.

It is important to assert that there are certain pockets in India where there is visibility and even celebration of transsexuality. Koovagam, as mentioned by Roy, is an important festival which marks the fluidity of sexuality in the Indian culture, which existed since the ancient and medieval times (Roy 2014). Roy argues that the criminalization of a non-heterosexual body is a colonial construct which has existed even in the aftermath of independence. Roy's article shows the richness of the Koovagam festival. Koovagam depicts the sexual fluidity in India's past, which contrasts treatment of the transgenders in South Asia today. Koovagam challenges the gender normativity of the current social reality and makes way for the celebration of transsexuality. Roy gives a glimpse of the mythical representations of queerness. The portrayal and celebration of divine figures (the mythical belief propagating the story that Lord Krishna transformed himself to a woman to marry Aravan) in association to non-heteronormative forms and unions reflect that the marginal status given to transgenders and hijras was not a reality inherent in the indigenous Indian tradition. Roy states:

> Perhaps the most recognizable gender defying symbol is Lord Shiva, who is sometimes represented as half-man, half-woman under the name 'ardhanarishvara', which means; 'The Lord whose half is a woman (Roy 2014).

Similarly, many hijras and transwomen from Kolkata participate in the festival called 'logon' celebrated in western Bihar and eastern Uttar Pradesh. Logon is celebrated twice annually and hijras and transwomen are hired by families and other organisers to perform as dancers. There is flexibility and acceptance towards transsexuality and the 'launda' dancers - the transwomen and hijras who perform as dancers are not treated as abhorrent or

'abject' as they are mostly treated in the urban space of India (Butler as cited in Shildrik 2002). It is important to mention that there are instances of recognition and acceptance of the traditional and cultural aspect of the transsexuality but the hijra community has suffered due to its lack of representation in the Constitution of India or in the legal frame. Moreover, the modern state fails to provide much attention to the traditional and cultural norms and beliefs which are embedded in the structures and institutions of the hijra community. The hijra community receives liminal treatment due to inadequate vocabulary denoting categories of transsexuality. The indigenous terms representing transsexuality are confined only to the community and are not recognized in mainstream vocabulary.

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