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In 1865, R Simson, the secretary to the NWP Government—the highest-ranking bureaucrat in the province—had written to the Inspector General of Police that the administration's aim was "to prevent an increase in the number of Eunuchs and thus gradually lead to their extinction." The 1871 law aimed to eliminate Hijras by preventing initiations and castrations—since the British erroneously thought castration essential to Hijra-hood—as well as by erasing Hijras as a visible social group in public space.

Individuals listed on the 'eunuch' register were prohibited from wearing feminine dress and performing in public, thereby outlawing Hijras' gender expression and reducing their livelihood options. For instance, in 1874 several people criminalised as 'eunuchs' complained to district officials in Ghazipur that they were starving. The law also banned registered persons from residing with male children under the age of 17 years; provided for the forcible removal of male children from Hijra households; and interfered with Hijra succession and inheritance practices. Although Hijras were the primary target of the law, other gender-non-conforming people were also registered as 'eunuchs', including Zananas, so-called 'effeminate men' who were often performers.

The colonial policing of Hijras was uneven. In some places we find very strict enforcement of the law, or even illegal policing practices, such as the prosecu-

mixed male and female forms of dress. Hijras also continued to collect *badhai*, hazarding prosecution under public-nuisance laws.

#### Middle-class Indian complicities and postcolonial governance

Rather than simply 'inheriting' colonial laws, the post-Independence Indian state has been shaped by Indian middle-class gender and sexual morality, which was constructed in the context of colonial rule, but was not simply a mimicry of colonial norms. In late-19th-century colonial India, the term 'middle class' was increasingly used by educated men from high-caste and Ashraf scribal communities, who were increasingly politically and socially dominant, to distinguish themselves from the old elite of Indian rulers and nobility. Middle-class notions of respectability combined Victorian morality, ambiguous notions of women's uplift and redefined notions of 'tradition'.

'Middle-class' Indian men also backed extremely harsh policing measures against the Hijra community. For instance, the famous Muslim intellectual Syed Ahmed Khan wrote to a high-ranking colonial official in 1870 that Hijras "lend themselves to practices as abhorrent to our feelings as they are unmentionable", recommending that Hijras be confined to "certain localities... within which they must reside during the remainder of their natural lives, not going beyond the limits thereof." Lalla Badri Pershad of the Indian Reform League similarly suggested that "a certain island or hill should be selected where they ['eunuchs'] may be inhabited, and all intercourse with towns or cities intercepted." Such Indian middle-class attitudes left their imprint on postcolonial governance.

In 2011, Karnataka included a new section in its Police Act—"Section 36A Power to Regulate Eunuchs"—which was derived from the 1919 Hyderabad Eunuchs Act, itself based on the 1871 CTA. That year, Karnataka abolished a number of laws from former princely states, but retained laws like the 1919 Eunuchs Act, which it deemed useful. This decision was made in the context of an anti-Hijra drive carried out by the Bangalore police between 2008 and 2011. Many Hijras were arrested and over 100 evicted from their homes, as police accused Hijras of 'extorting' money from motorists at traffic junctions, and kidnapping and pimping children. Telangana has also kept the 1919 law (though its enforcement has been temporarily suspended).

Karnataka's Section 36A allows local police commissioners to register "eunuchs" who are "reasonably suspected of kidnapping or emasculating boys or of committing unnatural offences", wording that was clearly borrowed from the 1871 CTA. The section prohibits registered people from participating in any act deemed 'undesirable', simply through a notification in the government gazette specifying those acts. Following activist outcry, the offensive term 'eunuch' was changed to 'person', but this merely made the potential scope of the law even wider. The revival of aspects of the 1871 CTA by two state governments (Karnataka and Telangana) in the last decade clearly demonstrates that the colonial criminalisation of the Hijra resonates in the present.

Meanwhile, India's state and central governments are introducing third-gender classifications, and there are several welfare and affirmative-action programmes for Hijras. Yet the boundaries of these gen-

der categories are clearly policed. If passed, the 2018 Transgender Rights bill (or TPPR) will undermine the right to self-determination of gender identity, a constitutional right established by a 2014 Supreme Court ruling. The bill requires a certificate from the district magistrate for an individual to officially identify as 'transgender', while changing one's identity from 'male' to 'female', or vice versa, would require proof of sex reassignment surgery. Trans people have spoken out against this aspect of the legislation.

The TPPR Bill also echoes the colonial criminalisation of Hijras. The bill will effectively make it illegal for transgender people to 'beg', treating the practice of as begging. This will merely aggravate and entrench the socio-economic marginalisation of many trans people and Hijras, while simultaneously stigmatising Hijra cultural practices. These anti-begging provisions resemble the colonial policing of begging through public nuisance laws.

#### Rule by classification

The postcolonial criminalisation of Hijras is also reflective of the broader ways that modern states have sought to manage populations since the 18th century, by fixing peoples' identities, enumerating categories of people, regulating household formations and rendering mobile communities sedentary. In colonial India, people whose gender expression challenged British binary understandings of gender were considered 'immoral', and their identity undermined the colonial state's efforts to render the colonised population 'legible' (or visible to the state) through classification and statistics. The colonial censuses, for instance, only had two sex categories: male and female. Classificatory confusion suggested to the British that the Hijra community was unknowable, and thus, ungovernable. The current government's unwillingness to allow people to define their own gender identities on official documents—as suggested by the 2018 TPPR—illustrates that diverse gender identities continue to challenge the state's imperative to classify and know populations.

Gender, sexual and domestic norms are often central to how states envisage a governable population. These norms are dependent on specific historical and cultural contexts. Moreover, particular forms of non-normative gender expression or sexuality become the subject of heightened anxiety in specific, localised political contexts. Hence, some of the instances of Hijra criminalisation mentioned above were regional or city-level projects. But in each case, we see that Hijras were, and are, criminalised because the police and bureaucrats view them as ungovernable people. Since perceived gender and sexual disorder signals political disorder to the state, non-normative gender and sexual identities are understood as political threats. As a result, Hijras have sadly been — and continue to be—seen as deviant people by both colonial and postcolonial states.

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A Hijra with her companions in the 1860s, somewhere in eastern Bengal.

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tion of unregistered people under the CTA for wearing feminine clothing or performing. Elsewhere, Indian police and British officials deprioritised the anti-Hijra campaign. Part II of the CTA was repealed in 1911, because, in the words of the high-ranking official J P Hewett, "the eunuchs must be dying out." In fact, Hijras had become skilled at evading the police and devising survival strategies.

Across northern India, Hijras broke the law and shirked police surveillance, shaping the irregular pattern of law enforcement. Hijras migrated temporarily or permanently to other provinces or Indian-ruled states, where they were not registered. They persisted in performing and expressing their gender identities, both illegally in public and legally in their homes. When it was too risky to publicly wear feminine clothing, Hijras sometimes