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BHARTIA HIJRO KA DHARMA:
THE CODE OF INDIA'S HIJRA

JOSEPH T. BOCKRATH*

_Hijra_ is the Urdu word for eunuch or hermaphrodite but now means a born hermaphrodite who dresses as a female or, more commonly, a born male who undergoes, or plans to undergo, surgical emasculation, and who dons female garb. Depending on the linguistic region in which they live, the hijra are also referred to as _kinnar_ or _mukhannis_. In the Tamil speaking south of India the term _Ali_ is used to refer to transvestites, eunuchs, transsexuals and hermaphrodites. The term _zenanas_ refers to cross-dressing male homosexuals. True _hijras_ lack of sexual desire clearly distinguishes them from _zenana_.

For the purposes of this paper, the term hijra will be used to describe those people who are, naturally or otherwise, or seek to become, asexual and who dress and live as women, a third gender.¹ Since the term hijra also describes a way of life, and one at which a living can be made, there are those who adopt the pose without the commitment. Recent attention paid to the emergence of members of the hijra as players in India’s political life² has brought to visibility a heretofore

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¹ Since the hijra are the subject of the essay the term will henceforth appear without italics.

shadowy minority. The election of hijra to municipal office in the Indian states of Uttar Pradesh, Madhya Pradesh, Haryana and elsewhere, along with the formation of a hijra political party, has been widely reported. Speculation about the reasons for electoral success range from the cynical such as, "our politicians are impotent anyway so let's elect a real eunuch," to the notion that the hijra traditionally care for each other and will likely be sympathetic to the plight of the poor and outcast. Since the hijra have stepped forth to participate in the governance of others, one wonders how the hijra community, historically far removed from the cultural mainstream, governs itself.

The hijra, derisively dismissed as "India's most bizarre sex cult" by one commentator, are in fact an insular minority of considerable proportions, perhaps numbering as many as 1 million. They defy easy categorization. Often defined by the occupation into which their poverty and cultural ostracism force some of them, homosexual prostitution, the hijra ideal rejects all sexual activity and the true hijra is incapable of sexual desire in a sexually conservative society in which procreation is a sacred duty. Born hijra are regarded most highly within the hijra community but most appear to be "ordinary male men who have become

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2 A candid but not condescending insight into hijra life is offered in the documentary film Bombay Eunuch by Alexandra Shiva, in English, Hindi and Tamil (New York: USADubs & Replication, 2001).
3 See e.g., the Hindustan Times, 6/17/2001; The Week, 1/16/2000; Time Asia, 9/19/2000; Sydney Morning Herald, 1/29/2000; Daily Excelsior, 1/21/2001; and the Wall Street Journal, 9/24/98.
5 Gay males with female identities in Mexico have been identified as a "particular social group" whose members may be eligible for asylum based on fear of persecution under the Immigration and Nationalization Act, 8 USC 1101. Hernandez-Montiel v. INS, 225 F.3d 1084 (9th Cir., 2000).
6 K. Murali, "A Call to Arms," Hindustan Times (June 17, 2001), p. 11. The recent Indian census did nothing to clarify the numbers since male and female were the only choices offered. The fact that the government classified hijra as male was significant since it disqualified hijra from programs set aside for females.
sacred female men.” But it is the conception of the hijra as “neither man nor woman” that defines their odd role in Indian culture. It is a self-perception confirmed by hijra’s own indiscriminate use of he/she and him/her. “[W]ithin the home they are identified as sons and daughters depending upon the predominant characteristics of males or females present in them respectively.”

The characteristics of the hijra role are nearly as flexible as those who take on the role. By and large, however, hijra dance and sing, usually uninvited, and offer blessings at weddings and births, in anticipation of alms. Begging and homosexual prostitution may be resorted to as means of survival. There have been reports of creditors hiring hijra as debt collectors and sent to embarrass debtors into paying. Some hijra do, however, take a “husband” from outside of the hijra household and may live with him. While this may be inconsistent with the ascetic ideal, it need not result in a severing of ties with the hijra community. The husband may find himself, economically or otherwise, in competition with the guru, but a financial motive for such a marriage wouldn’t be so different from that which motivates many conventional Indian marriages.

The hijra of India, like unusual people elsewhere, may be ridiculed or even despised but Hindu mythology is replete with instances in which the transgender phenomenon is viewed reverentially, and participants

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10 N.J. Bradford, Transgenderism and the Cult of Yellamma: Heat, Sex and Sickness in South Indian Ritual, 39 J. Anthropological Res. 307 (1983). Bradford’s article concerns transgenderites in the Kannada speaking areas of Southern India which in other respects may be quite different. He found for example, no evidence of ritual emasculation, a central feature of hijra.

11 Nanda, supra note 9, at 149. The difficult problem of sexual dimorphism versus sexuality as a continuum versus third sex etc. is beyond the scope of this paper. A thorough analysis of this issue in the legal context is Terry S. Kogan, Transsexuals and Critical Gender Theory: The Possibility of a Restroom Labeled “Other,” 48 Hastings L.J. 1223 (1997).

12 Lynton, supra note 8, at 192. Indians often address each other by title rather than by name but the title itself may be gender specific, brother or sister for example. Others, teacher or guide, for example may be gender neutral as in English or Bengali, but gender specific in Hindu or Spanish.


14 See text at notes 38-48, infra for a discussion of the hijra guru.

15 Sir Richard Francis Burton reported that some of the eunuchs serving as guards at the Medina house of Shayka Hamid were married and “He went to some pains to learn the mechanics of the relationship.” Fawn McKay Brodie, THE DEVIL DRIVES: A LIFE OF SIR RICHARD BURTON 98 (New York: Norton, 1984)(1967).
revered. The epic Ramayana is sometimes translated, or perhaps recalled, to say:

The whole city followed him because they loved him so. As Ram came to the banks of the river at the edge of the forest, he turned to the people and said, "Ladies and gents, please wipe away your tears and go away." But those people who were not men and women did not know what to do. So they stayed there because Ram did not ask them to go. . . . And so they were blessed by Ram. 17

Lord Krishna took on female form to conquer the demon Araka and Shiva is said to have taken a woman's form to please the consort Parvati. Likewise, even the Mahabharata offers the hijra solace where Arjin hides himself in the guise of a eunuch and "participates in weddings and births and thus provides a further legitimation for ritual contexts" in which the hijra currently participate. 19

From the arrival of the first British traders in India about 1600, operating under a trade monopoly granted by Elizabeth I, British power, primarily in the form of the East India Company and British troops in support, manifested itself in economic rather than cultural colonialism. 20 When Sir Richard Francis Burton began his famous seven year Indian odyssey in 1842, he found at Lucknow and Lahore groups of "men dressed as women, with flowing locks under crowns of flowers, imitating the feminine walk and gestures, voice and fashion of speech and ogling their admirers." 21

16 Many, if not most, translations of Valmiki's Ramayana do not contain this reference. See e.g., THE RAMAYANA OF VALMIKI (India: Penguin Books, 1996)(Arshia Sattar trans.)
18 Nanda, supra note 17, at 30.
19 The hijra may come from either Hindu or Islamic families but are of course outside the mainstream of either. Many nominally Hindu hijra follow the Mother Goddess Bahuchara and follow Her schedule of proper behavior. See Mitra, "Bahuchana Mata and Her Rooster," India Magazine, April 1984.
By about 1858 British control of India was virtually total and with Queen Victoria at the helm, moral indifference, or respect for indigenous practice, depending on your perspective, was over. British revulsion over sati, thugee, and hook swinging led to their criminalization; flamboyant and public displays such as the hijra were obvious candidates for suppression. The vehicle was the Criminal Tribes Act of 1871, An Act for the Registration of Criminal Tribes and Eunuchs. Casting the net wide, eunuch was defined to include any impotent male. The Act required the registration of any eunuch "reasonably suspected of kidnapping or castrating children," or committing offenses under Section 377 of the Indian Penal Code," which prohibited "carnal knowledge against the order of nature." The Act then turned its attention specifically to hijra practice.

Victoria 1819-1901, Queen of England and Ireland 1837-1901; Empress of India 1876-1901.

Sati is the practice of a Hindu wife throwing herself on the funeral pyre of her dead husband.

Thugee is the Hindi word for professional assassins in Northern India.

Hook swinging was the practice by Hindu ascetics of suspending themselves with hooks piercing their flesh.


The hijra have long been accused of reproducing by kidnapping and castration, and the suspicion endures today. The evidence, however, is scant and anecdotal. See Nanda, Neither Man nor Woman, supra note 17, at 116-117. As far back as 1908 the Nizam of Hyderabad had prohibited the hijra from inducting a newcomer under the age of 39. Lynton, supra note 8, at 191.

Hijra economic survival, then as now, depended on performance at weddings and births, and begging, as well as prostitution. Some hijra manage to obtain work in traditional women's jobs such as cleaning and washing, while hijra excommunicants may work as servants or laborers. See A.M. Shah, A Note on the Hijadas of Gujarat, 63 Am. Arthropologist 1328 (1961). In Western India prior to 1857 the hijra appear to have had revenue claims in the form of a hereditary (in a sense) right to beg and collect from the Maratha kings of Satara and later the Peshwas of Pune. The British sought to eradicate such claims, and right of hijras to beg became a "notion of course wholly erroneous." H.A. Wilson, "A Glossary of Judicial and Revenue Terms... relating to the Administration of the Government of British India" 209 (Allen Pub., 1855) quoted in L. Preston, A Right to Exist: Eunuchs and the State in Nineteenth Century India, 21 Mod. Asian Stud. 371, 382 (1987).

The criminalization of virtually every characteristic and expression of a group isn't far from making the status itself a crime. In the U.S. criminalization of the status of drug addiction was held to inflict cruel and unusual punishment in violation of the 14th Amendment in Robinson v. Calif., 370 U.S. 660 (1962).
Art. 26. Any eunuch so registered who appears, dressed or ornamented like a woman, in a public street or place, or in any other place, with the intention of being seen from a public street or place, or who dances or plays music, or takes part in any public exhibition, in a public street or place or for hire in a private house may be arrested without warrant, and shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

The British imposed laws were, of course, built on top of an indigenous code of behavior of great antiquity, and ancient Hindu laws regarding sexual behavior were incorporated into the Indian Penal Code, although punishments by the ancients were less severe. British law proscribing practices central to hijra tradition, particularly emasculation, were incorporated into Indian law but British law "has not been able to destroy the more ancient customary law under which the hijras had an institutionalized place in society." Picture India, a country in which employment prospects are limited for citizens in the cultural mainstream, without unemployment insurance, welfare benefits, social security, or most if not all of the safety net we in the West consider entitlements. Suppose also a tradition in which

But see Powell v. Texas, 392 U.S. 514 (1968) in which the court refused to extend Robinson to punishment of public drunkenness by a chronic alcoholic. The distinction, if it exists, is explored in J. Blackmun's dissent in Bowers v. Hardwick, 478 U.S. 186, 202 n. 2.


30 Article 29 of the Criminal Tribes Act also barred registered eunuchs from, among making a gift or making a will. As will become apparent such restrictions would be inimical to the social structure of the hijra community upon which their survival depends.

31 Damayanti Doongaji, CRIME AND PUNISHMENT IN ANCIENT HINDU SOCIETY (Delhi: Ajanta Pub., 1986).


33 Nanda, "Deviant Careers: The Hijras of India," supra note 9, at 170. The society of the hijra within the larger society was also existent. The hijra had their own judicial system, the Council of Sardars, in place as early as 1907. See Jaffry, supra note 29, at 69.

marriage, for both men and women,\textsuperscript{34} is the crucial cultural variable, where procreation is a sacred duty, and where single young people rarely live outside of their parents' home before marriage, and, in the case of males, often even after marriage.\textsuperscript{35}

The Indian joint and extended family,\textsuperscript{36} despite being criticized as stifling individual initiative and teaching obsequious obedience to elders regardless of their competence,\textsuperscript{37} does certainly serve a valuable function given the paucity of external support and security mechanisms. The joint family serves to recruit new members through the practice of arranged marriage, initiates newlyweds by providing a model from which to learn, facilitates financial survival by pooling income and sharing scarce resources, provides in home child care by close relatives, and care for aged parents and fosters a sense of family solidarity and closeness virtually unknown elsewhere in the modern world.

Place in this milieu a young person who is homosexual, inclined towards transvestism, transgendered, or intersexed. Given the lack of alternatives, exclusion from the family is a devastating event for anyone, but where do these unusual folks go? How do the hijras organize themselves in order to cope with a society which rejects them and makes no provisions for their care?

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The hijras of India have been likened to refugees,\textsuperscript{38} rejected by the country's most important social unit, the family, and cast adrift. It


\textsuperscript{35} Any generalizations about such a diverse land are dangerous. North, South, East and West are radically different in religion, social stratification by caste or class, and culturally discrete by ethnolinguistic criteria. Indeed, though Hindu and English are the official languages, no language is spoken by a majority of Indians, and 14 languages are considered major. For purposes of this paper, however, India will be considered as one although differences in hijra community organizations in different parts of the country will be noted as they arise.

\textsuperscript{36} The terms joint and extended family are sometimes used interchangeably but here joint family means the multi generational household comprised typically of father and mother, their unmarried children of whatever age, married sons, their wives and children. Others, such as male first cousins may also be resident. On a recent India visit, the author was introduced to a young man who was referred to, in English, as a cousin-brother, meaning a male first cousin who lives in the household of his aunt and uncle. The term cousin-brother was unfamiliar, but then they found the author's use of the expression "mother's boyfriend" equally unfamiliar.

\textsuperscript{37} For the thoughts of Karl Marx, Henry Sumner Maine, and others on this subject, see T.N. Madan, "The Hindu Family and Development," in Uberoi, \textit{supra} note 34, at 416-434.

\textsuperscript{38} Lynton & Ragan, \textit{supra} note 8, at 195. This characterization of hijra in Hyderabad at the beginning of the 19th century still seems accurate.
seems perfectly natural that persons in such a circumstance would seek out and be sought out by others who are similarly situated.\textsuperscript{39} We find, perhaps unsurprisingly, that hijra community organization recreates Indian society's organizational framework with a communal focus on combined resources, economic adaption and submission to hierarchal structure.\textsuperscript{40} In hijra society, the relationship that provides the foundation is that of guru and chella. The guru or teacher facilitates the initiation and socialization of the chella, or follower, into the hijra communal life and serves alternatively as "father, mother, husband, teacher, mother, and mother-in-law."\textsuperscript{41} The guru-chella relationship is "asymmetrical but reciprocal"\textsuperscript{42} but obedience to the guru is unquestioned and the "authority of the guru in the teaching process is supreme and unchallengeable."\textsuperscript{43} The guru is responsible for the care of the chella as a parent to a child, serving also as a spiritual master to a disciple. Like a parent, at least in most cultures, there is no penalty if a guru strikes her chella, but should the chella strike the guru, the consequences may be dire\textsuperscript{44}, including formal ostracism.\textsuperscript{45}

The process by which a hijra becomes a guru is simple, but not easy; she convinces a hijra initiate to become her chella. Because of the nearly feudal relationship, becoming a guru is the path to upward mobility in hijra society. As there is no limit on the number of gurus other than the availability of potential chellas, and because the rewards are significant, "[b]ecoming a guru requires initiative, assertiveness, careful management of one's financial resources, and a disposition to exploit the labor of others,"\textsuperscript{46} in other words the same characteristics which lead to success in most enterprises.

\textsuperscript{39} As one commentator put it, they seek a place where they are "normal." A. Sinha, \textit{Procreation Among the Eunuchs}, 20 Eastern Anthropologist 168, 171 (1967). A feature of hijra society that might appeal to others as well is its freedom from caste "pollution rules." Nanda, Deviant Careers, supra note 31, at 165. Such freedom may, however, not be universal in hijra society. See note 55, infra.

\textsuperscript{40} Nanda, supra note 17, at 48.

\textsuperscript{41} Id. at 162. The inclusion of mother-in-law is not gratuitous. Since the new bride traditionally joins her husband's joint family, the mother-in-law (of the bride) becomes her mentor, and often boss, as she learns the skills of house and home.


\textsuperscript{43} Id. at 74. Such autocacy mirrors that of the senior male in the joint family.

\textsuperscript{44} Lynton, supra note 8, at 200.

\textsuperscript{45} Verbal abuse of a guru by a chella may also trigger ostracism or other punishment. See Nanda, supra note 9, at 158, 162.

\textsuperscript{46} Nanda, supra note 17, at 121.
Initiation into hijra society requires sponsorship by a guru and the payment of a fee to the *jamat*, or meeting of hijra house leaders. An interesting and suggestive feature of the process is that the fee is paid by the guru rather than the initiate; thus, the chella begins the relationship as a debtor. Once the chella has joined the guru's household, she may not move out or visit family without permission, she must turn over her earnings to the guru, who then distributes an allowance, and she must care for the guru in her old age, as would an adult child in the conventional joint family. Chellas may even be bought and sold by the guru although this is said to be frowned upon. If a chella seeks to change gurus, compensation is required and the second initiation fee is double the first, and since it too is paid by the new guru, a new and burdensome debt cycle begins.

Few Indians live alone or with only one other person and hijras, like the mainstream, typically live communally, under a guru's direction, with a permanent core of five to twenty members in a household called an *akhada*, which serves as an economic and residential unit. The building in which the group lives is the *dhera*. Should the household earn sufficient funds with which to purchase a dwelling, on the death of the guru the structure is willed to the entire community which resides in it, although in some households the eldest chella, or the chella who has been with the guru the longest, may succeed.

Residence in the hijra household confers a roof, food, a degree of protection from the police and other harassment, and a territory in which to work. In exchange the chella contributes her income, however

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47 A detailed account of the hijra initiation process may be found in Sinha, *supra* note 37.
48 Nanda, *supra* note 17, at 44.
49 The purchase and sale of chellas by gurus is reported by Sharma, *supra* note 40, at 62, 113.
50 See Nanda, *supra* note 17, at 44.
51 Some early accounts suggested that hijra usually live alone, despised by everyone. See G. M. Carstairs, *The Twice Born: A Study of a Community of High-Caste Hindus* (Bloomington: Indiana University Press, 1958). This notion, however, has been refuted and may have resulted from data collected from exiled hijra, who are indeed alone. See M.A. Opler, Letter to the Editor, *The Hijara (Hermaphrodites) of India and Indian National Character: A Rejoinder*, 62 Am. Anthropologist 505 (1962).
Some hijras enter into romantic/financial relationships with men outside of the hijra household who are referred to as "husbands," and some live with the husbands. Such hijra may maintain close ties with the hijra household but typically share with the group only that money earned in group ventures. See Nanda, *supra* note 17, at 39. For a consideration of spousal support after the failure of a marriage in which one party was a post operative male to female transsexual in the U.S., see M.T. v. J.T., 355 A2 204, N.J. Supr. Ct. App. Div. 1976.
derived and contributes to the household maintenance and chores. Some hijra households are said to require new members to serve a probationary period of menial work prior to formal acceptance.\footnote{See Lynton & Ragan, supra note 8.}

In Northern India the hijra may come from either Muslim or Hindu families but once under the tutelage of the guru traditional sectarian differences seem to give way to the survival instinct.\footnote{Nanda, supra note 17, at 41 reports that while there is some Hindu/Muslim separation, most households mix. Also, some hijra houses (distinguished from households) have Muslim leaders, and Moghul rulers were among the hijra patrons. While Mohammad disavowed castration, urging chastity in its place, Z. Jaffery, The Invisibles (Pantheon Books, 1996), eunuchs were certainly commonplace in the Islamic world. When Sir Richard Francis Burton entered Medina "He was appalled to learn that the 120 guards (of the home of Shayka Hamid) were all eunuchs." Brodie, supra note 15, at 98. Burton, translator of the Kama Sutra, which contains a chapter on eunuchs, called the Auparishkata or Mouth Congress, also reported that Afghan commercial travelers on caravan brought with them "boys and lads almost in woman's attire with kohl'd eyes and rouged cheeks, long tresses and henna'd fingers and toes. . . ." Brodie, supra note 15, at 66}

The more egalitarian ideal of Islam seems to be the hijra inclination. Like other caste, the household is “community organized around a traditional occupation,”\footnote{Nanda, supra note 17, at 42.} but all castes are welcome, and the individual's caste, and indeed the relevance of caste at all, is usually discarded. Exceptions to the cast-free nature of hijra households have, however, been reported. Such caste-based pollution rules may require, as they would in conventional Indian society, separate eating and sleeping facilities.\footnote{See e.g., Sharma, supra note 13, at 119, which reports that the hijra “do observe differences among themselves on the basis of sex, caste, income and wealth.”}

The hijra household is more than a commune or building, it is an economic niche with a spatial dimension. Under the guru's leadership a neighborhood is claimed in which members of the household work. Given the paucity of economic opportunity available to the hijra, performing at weddings and births, usually uninvited, begging, and prostitution, disputes over territorial claims are inevitable. Lacking access to the mainstream legal system, or for that matter any publicly recognized body of positive law upon which to base their claims, the hijra have created their own system of dispute resolution, which reinforces what has been the hijra's “institutionalized code of conduct, a value system, specific style of living, and the like.”\footnote{Sharma, supra note 40, at 111.} At least two aspects of hijra life would seem to compel a certain degree of honesty, particularly with respect to property. The communal household and the
need to enter the homes of non-hijras for performances at weddings and births, along with, of course, the dire consequences of excommunication, would serve to make a reputation for thievery disastrous.\footnote{Perhaps Bob Dylan was right when he sang “to live outside the law you must be honest” in Absolutely, Sweet Marie.}

Individual hijra communal households are grouped into “houses,” symbolically descent groups without spatial dimension. Rather like clans, houses are joined by an initial virtue of his guru’s membership. New Delhi, a city with a population in excess of 10 million, is divided into seven hijra houses.\footnote{The Delhi houses are named Chakawallah, Laskarwallah, Lalamwallah, Bendi Bazaar, Poonawallah, Ballakwallah, and Adipur.} The houses are not ranked, although each has its own founding story. The houses may also have individual rules, such as restrictions on the wearing of certain colored clothing (the opposite practice of United States gangs which proscribe the wearing of gang colors).

Each hijra house (not household) is led by a chief, a naik. Naik leadership is managerial rather than spiritual; the naik is selected for her ability to husband scarce resources and see to the health of the members. This consideration is of no small moment in a society with modest resources, little in the way of a health care safety net, and for persons whose work and repute in the community may frequently put them in harm’s path. On the death of the hijra the task of final arrangements, be they Muslim or Hindu, also falls to the naik.\footnote{See Lynton & Ragan, supra note 8, at 202.} This role is especially significant since death rituals are highly important events in Indian culture, and would normally fall to surviving family members, few of whom would be available to the hijra.

Competition between hijra houses for territory, opportunity and scarce resources, coupled with the need to avoid intra-hijra disputes given hijra status in the society at large, virtually demands that the houses cooperate, or at least communicate. An interesting benefit to the hijra of inter-community cooperation results from the fact that while traveling hijra are usually welcomed and accommodated in other hijra households on route. Thus, hijra enjoy geographic mobility at least as extensive as non-hijra Indians of the same means.\footnote{Regarding hijra mobility, see Lynton & Rajan, supra note 8, at 203. Nanda, supra note 9, has pointed out that mobility in the U.S. is often enhanced by solitude, while in India it is enhanced by membership in a social network.}

When local naiks meet, often to sanction hijra who violate community rules, the meeting is termed a jamat, an Urdu word meaning to come together. The jamat also functions, using customary hijra norms
and a great deal of pragmatism, to settle local territorial squabbles and provide the audience for initiation of new members into a house. Should a hijra be expelled from her house, readmission may only be sanctioned by the *jamat*. The nationwide network of *naiks* makes expulsion a serious matter and also sets the stage for the final level of hijra hierarchy.

While the *naik*'s most important functions are local, they do periodically congregate to resolve regional and national disputes, set policy, and recently to consider a political agenda. Such meetings are called by the name given to traditional meetings of Indian village elders to resolve local disputes, the *panchayat*. At the *panchayat* a leadership is elected from among the *naiks* of experience and good, in the hijra world, reputation. This law making body may allocate territorial jurisdiction, punish violations, and resolve problems, personal and organizational, which have been brought before community heads. The *panchayat*’s role is the "formulation of a normative structure for the regulation of the behavior of members."  

The hijra remain, by all accounts, the most marginalized group in a country in which exclusion carries a high price. Yet they survive without hiding and are starting to enter the political fray. The cultural and historical differences are, of course, so vast that any conclusions regarding transferability must be suspect, but at least a few aspects of hijra organization and outlook appear to be worth a look.

Although empirical data is scant, research reveals virtually no hijra history of pretending to be something they are not. There may be those, for financial reasons, pretend to be hijra when they are not, but this says more about the dearth of economic opportunity than its does about the hijra. Whatever might go on in the privacy of the dhera, to the world outside the hijra seem to make no apologies. No outside approval appears to be sought, no matter how much it may be desired.

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61 As one might guess, hijras rarely socialize outside of their own community. Meetings at hijra social events may produce an informal gathering called "roti", an Urdu word for a flat bread, at which common problems are discussed, primarily by elders, and a consensus sometimes reached.


63 Sharma, *supra* note 13, at 386.
In so far as their circumstances allow, the hijra seem to live within the public law, at least to the extent anyone else does. Their real discipline, however, is manifested by adherence to the code and structure they have developed to manage their own situation. On the street hijra may appear frivolous with their song, dance, and flamboyance but survival is serious business, and hijra adherence to their own social structure and norms of behavior is notable.

The hijra social organization seems to have taken from mainstream Indian culture those things which work, such as a patriarchal joint family, and modified it as needed. The communal refuge is not a retreat from mainstream culture but an adaption of it. There is no wholesale rejection of the mainstream simply because the majority embraces it.

Driven by necessity or otherwise, the hijra are a community, not merely a conglomeration of individuals. There exist city and nationwide entities where necessity demands, but the most significant structures are local; the members belong. Intra-cultural barriers such as caste and faith fade away, while traditional veneration of elders and trust in them is retained, not because it is traditional, but because it works. The hijra, beyond outcast in a society where inclusion is primary, have created a melancholy self-sufficiency and dignity.