

Karnataka Police Act Amendment's Criminalisation of Karnataka Hijra Communities

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BANGALORE, KARNATAKA — **The Campaign for Sexual Minorities and Sexworkers Rights (CSMR)** call on the Karnataka State Government to reconsider a recent amendment to the *Karnataka Police Act 1964* that reenacts discriminatory provisions of the repealed *Hyderabad Eunuchs Act (1329 F. XVI)*.

The Karnataka Repealing and Amending (Regional Laws) Bill, 2009, was approved by the Karnataka Legislative Assembly in March 2011 to repeal defunct or old laws from the former States of Bombay, Coorg, Hyderabad, Madras and Mysore in the respective Areas of those States that are now part of Karnataka. Acts repealed by this bill include the *Hyderabad Eunuchs Act*: a regressive law that endorses draconian police measures against an already marginalized and vulnerable community. The *Hyderabad Eunuchs Act* was directly derived from the colonial-era *Criminal Tribes Act*, which notified all members of certain tribes, castes and social groups as criminal at birth.

The amendment to the *Karnataka Police Act of 1964* was proposed by a One-Man Committee (Chamayya Committee) in the same bill and passed the Karnataka Legislature without democratic discussion. The resulting Amendment, entitled “36A Power to regulate eunuchs,” empowers the Commissioner, “in order to prevent or suppress or control undesirable activities of eunuchs,” to make orders for: the preparation and maintenance of a register of the names and places of residence of all eunuchs reasonably suspected of “kidnapping or emasculating boys” or of committing “unnatural offences” or “any other offences,” or abetting the commission of such offences, and prohibiting a registered eunuch from doing such activities as may be stated in the order and “any other matter [the Commissioner] may consider necessary.”

The use of vague language and “catchall” provisions in this amendment grants the Karnataka Police broad powers to violate the human rights of hijras and potentially other sexual minorities according to the Commissioner’s unlimited discretion. The amendment also raises serious Constitutional questions on various fronts.

CSMR is holding a public event on the first of July, 2011 at XXX in celebration of the second anniversary of the Delhi High Court’s Naz Foundation judgement. This opportunity will be used to highlight the potential danger of this law and the government’s overall treatment of Karnataka’s gender minority communities.

Yours Sincerely

Akkai Padmashali

On behalf of CSMR