

Campaign for Sex Workers' and Sexual Minorities' Rights (CSMR)

Press Release

Bangalore, 30 June, 2011: Over 20 organisations of sexuality minorities, sex workers, NGOs, community-based organizations, lawyers, experts and individuals supporting the marginalized communities have come together to plan a public event on July 1 at Town Hall from 3 pm to 6 pm to condemn the Karnataka Police Act Amendment that criminalizes the Gender Minorities in the State.

The government's prospective-overall treatment of Karnataka's gender minority communities will be discussed when the communities meet at the same venue to celebrate the second anniversary of the Delhi High Court's historic judgment, that decriminalized homosexuality, and recognized the constitutional right to equality, liberty, dignity and privacy of sexual minorities in India.

Draconian law: 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 Acts repealed by this bill include the *Hyderabad Eunuchs Act*: a regressive law that endorses draconian police measures against an already marginalized and vulnerable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 use of vague language and "catch-all" 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. This amendment is in direct violation of the Delhi High Court's ruling that clearly keeps consenting adults out of the purview of "unnatural offences". This amendment contradicts the state government's own efforts to provide gender minorities with socio-economic benefits," says Akkai Padmashali, an active member of CSMR.

The government's order last year based on the Backward Classes Commission Report provides for a range of educational and economic benefits for gender minorities. This order, however, has not yet been implemented across the State. The members of CSMR urge the government to amend the relevant provision of the Karnataka Police Act, and to implement the provisions of the Government Order related to gender minorities.

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 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."

Invited speakers for the Public Event on 1st July 2011 include C.S. Dwarakanath (former chairperson, Karnataka State Backward Classes Commission), Gauri Lankesh (editor, Gauri Lankesh Patrike), Ramesh Babu (JD(S) General Secretary), Y.S.V. Datta (MLC, JD(S) General Secretary and spokesperson), Manjula Naidu (President, Karnataka State Mahila Congress), M. Venkataswamy (President, Samatha Sainik Dal), Banjagere Jayaprakash (writer), C. Manjula (Chairperson, Karnataka State Women's Commission), B.T. Venkatesh (advocate), S. Veena (Praja Rajakiya Vedike), Manohar Elavarthi (CSMR), and A. Sowmyashree (CSMR). The discussion will be moderated by Sharada B.N.

Akkai Padmashali Sowmya Khushboo Sonu B.T. Venkatesh

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