

Perceptions About The “Third Gender” In Nepal

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Abstract

This paper is built around the argument that negative attitudes of family and society towards the third gendered persons could lead to unacceptance, discrimination, exclusion and ostracization of the third gendered persons in the family and society. This paper presents an analysis of the causes of abandonment of one’s own family by the third gendered persons. Third Gendered Persons could open-up, come out and organize themselves for equality in par with other genders, when they get support from an organization. The third gendered persons in Nepal are getting organized under the umbrella of Blue Diamond Society. The Court recognition of third gendered persons as ‘natural’ people led the Government of Nepal consider the third gendered persons from ‘unnatural’ and ‘perverted’ to appoint a third gendered person a member of the Constituent Assembly. However, these people are not visible in the national census report. Same sex marriage is yet to be legalized.

Keywords: Third gender, Nepal, gender identity, family and state

Introduction

The debates and discussions on concepts, recognition and rights of ‘third gender’ is a recent phenomenon while ‘third gender’ people must have been part of human societies from the very beginning. Such a denial of their existence in the past can be attributed to the prevalence of the ideology of binary sex as male and female and two corresponding genders as men



and women. This binary idea went unchallenged until not long ago and it consigned any other kinds of humans as the consequences of either ‘biological defect at birth’ or ‘behavioral deviance as they grow-up’. That is, the common explanation was that such manifestations which did not agree with the binary ideals were defined as “problems”—emerging either due to “nature’s disorder” or because of cultural defiance by the individuals in question. Given the prevalence of such notions and values, the idea of a positive recognition of third or additional genders as normal people was an inconceivable thing in many human societies around the world in the past. But there seem to have been exceptions. For instance, we know that in South Asia some societies and religions did look at and treat the third gender people with recognition and respect also. In societies across India, the Hijara (third gender) are seen as people with power to bless someone (individual or a family) with good luck, prosperity, success, auspiciousness, etc. They get invited or are accepted during rituals and life-cycle events like birth and naming, initiation rites, weddings, etc. Thus here, Hijara community is treated more as a social phenomenon and they are also regarded as ‘special group of people’ with power to bestow blessings and thus are often invited for their presence in rituals and other events (see Nanda, 1999).

Gender Identity

In recent years, the issue of gender identity has also been looked from a new dimension. The Yogyakarta Principles address a broad range of international human rights, standards and their application to issues of sexual orientation and gender identity. According to the definition of Yogyakarta Principles (2007 p.6), “gender identity is understood to refer to each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body and other expressions of gender, including dress, speech and mannerisms.”

In societies across the world, there tend to be different norms for men and women in relation to the expression of sexuality. Men are expected to show interest in women’s bodies; initiate relationships that might involve sex; and a man who has many sexual conquests

among women is regarded as 'a real male'. Women are expected to be passive and non-promiscuous. A sexually active woman often receives social disapproval and often a negative label such as 'whore, or 'tramp'. It is not merely sexual promiscuity that gets a girl a 'bad reputation'; it may simply be any behavior on the part of the girl that indicates a direct interest in boys or sex, such as dressing in what is regarded as a 'sexy' manner, or hanging around boys too much.

There exists a "Double Standard" that men can express their sexuality more openly than women and to behave in ways which, in women would be condemned. However, in some societies there is condemnation for both women and men who show an interest in homosexual, rather than in heterosexual relationships. Homosexual individuals are often the objects of ridicule, disapproval, and discrimination. Despite the legalization of homosexual acts between consenting males over the age of 21 in American society and the gay liberation movement of the 1960s, many homosexuals still fear the consequences of revealing their sexuality, of 'coming out'. Because there is still so much prejudice, they fear losing their job or their friends.

Gender Categories

Homosexual and heterosexual categories are constructed based on people's sexual orientation. Sexual orientation generally refers to the way in which a person's sexual and emotional desires are directed. The term categorizes according to the sex of the object of desire - that is, it describes whether a person is attracted primarily toward people of the same or opposite sex or to both. Thus, sexual orientation is defined by reference to erotic attraction: in the case of heterosexuals, to members of the opposite sex; in case of gays and lesbians, to members of the same sex. Potentially a homosexual or gay or lesbian person can, therefore, be anyone who is erotically attracted to members of his or her own sex.

Homosexual persons are attracted to same sex. Female homosexuals are lesbians and male homosexuals are gay. It was believed that same-sex desire was due to problems with the development of biological sex organs. In many parts of the world, homosexuality was a taboo subject, punishable by death. It was not until the emergence of the identity politics of the late 20th century

that gays and lesbians had a positive incentive to recognize each other in order to unify as groups or to document any gatherings. In reality, they had more reasons for hiding their sexuality at all costs. Heterosexual persons are attracted to opposite sex. Heterosexuality is usually conceived as a 'natural' given, drive or instinct. The medical discourses from the 19th century onwards offered a set of explanations of same-sex desire which was shaped by assumptions that 'normal' sexual relations are heterosexual. This sometimes produced a view of homosexuals as belonging to a third sex, as having a male body with a female brain or having a male brain and a female body. Bisexual persons are attracted to both women and men. For many people, bisexuality is defined by sexual behaviour rather than by the individual's sexual orientation and identity. For a few, 'Bisexual' is transitional identity or is perceived as a safer way to declare their same-sex orientation than 'gay' or 'lesbian', especially during early stages of the coming-out process.

Transsex persons are born with the physical characteristics of one sex who emotionally and physiologically feel that they belong to the opposite sex. The male invert is a person with an unusual proportion of female elements, the female invert is a person with an unusual proportion of male elements. These biological elements when translated into corresponding gender roles, gay men are labeled as 'effeminate' and lesbians are characterized in terms of 'manliness'.

Hermaphrodite/Intersex persons are persons having both male and female sex organs. The concept of intersexuality is rooted in the very ideas of male and female. In the idealized platonic, biological world, human beings are divided into two kinds: a perfectly dimorphic species- male and female. Thus, Third Sex includes persons who are different than 'female' and 'male' based on gender. Prior to the 18th century, hermaphrodites were taken to be an alternative third gender. In the middle ages, hermaphrodites were not regarded as having a determinate sex. Instead they were first assigned a sex at birth and then allowed to re-choose their sexual identity at the time of marriage (Davidson, 1992).

Foucault and others have pointed out that a whole new set of terms for classifying sexual kinds were invented at the end of the 19th century, including the terms "heterosexual" and "homosexual". The talk about heterosexuals versus homosexuals entered popular

culture somewhere around the 1920s and 1930s and it was not really until the popularization of Freud in the early and middle 20th century that we come to think that sexual acts express an inner sex drive that is a deep and determining part of one's personality. This means that late-19th and early 20th century medical and psychiatric literature produced the view that what people do sexually is not just an expression of their tastes, but is a manifestation of some deep feature of their personality and marks them out as a kind of person—a heterosexual, a homosexual, a bisexual, etc. (Calhoun, 2001).

Ann Fausto-Sterling had reported in the “Five Sexes” (2000a) an estimate by a Psychologist expert in the treatment of intersexuals, who suggested that some 4% of all live births are intersexual. Later together with a group of Brown University undergraduates she conducted a systematic assessment of the available data on intersexual birth rates. They calculated that for every 1,000 children born, 17 are intersexual in some form. That number which comes to (i.e. 1.7%) is an estimate, not a precise count though they believe it is more accurate than the 4% she reported earlier.

Understanding Third Gender in Nepal

Homosexuality was looked at as a big threat to society and cultures by traditionalists and moralists all over the world. What was even worrying was that psychiatrists also regarded homosexual attraction or orientation as a ‘mental disease’. It was only in 1970 that the American Psychological Association and the American Psychiatric Association conceded that they had made a big mistake in defining homosexuality as a ‘disease or ailment’ (see Blue Diamond Society, 2009). Given this, it is rather strange to learn that homosexuality was still on WHO's (World Health Organization) list of conditions defined as mental disorder until May 1990 when it was eventually removed from their list also. This may also give us an idea about how most of the world used to look at third gender or gender orientations as ‘problems’ for not conforming with the binary categories of men and women. Such an attitude towards people of varying sexual orientations and identities other than those of masculine and feminine categories, however, did not exist as a global ideology.

Tower (2016) writes that literature on transgender in

developing countries is scanty and the few available “sources describe the current situation of the transgender community, and some describe the past, but virtually none draw a link between the two and ask why things are the way they are” (2016, p. 3). Tower also notes that for Nepal, no dedicated scholarly work could be found on third gender and thus “news articles had to fill in the missing information” (2016, p. 3). Transgender issues and rights have not received adequate attention from researchers and academics and thus the issues and problems faced by such people remain little understood. This subject warrant attention from researchers and policy makers as well. In this paper, I will discuss perceptions, attitudes and behaviors (treatment) towards ‘third’ gendered people by Nepali society and the state.

What is the degree of social acceptance of the idea of third gender in Nepal? The Stories (see Regmi, 2016) detailing the experiences of ‘Other’ gender individuals suggest that there is still discrimination against them from the society as well as from their own parents and relatives. How can this be explained? These are the issues and questions I attempt to address.

At some point scholars also generally assumed that physical sex was everywhere viewed as dichotomous. But today, we know that physical sex can be categorized differently by different social groups. Most societies recognize only two sexes while some recognize more. A minimal number of sex divisions are thus established by the dichotomous aspect of human sexual reproduction, but often a third can also be recognized. The recognition of three sexes permits societies to create a gender ‘name’ or status for each of the recognized biological categories. In India, they are called Hijras/Kothis/Shiv-Shaktis (Nanda, 1999; Reddy, 2006) while in Nepal, intersex persons are commonly called and understood as Hijada. As per Blue Diamond Society (BDS), they are called by different names in different geographical areas such as Fulu fulu in Mountain areas, Singaru in Western Hills and Maugiya or Kothi in the Tarai region (BDS 2010).

Public acknowledgement of homosexuality has been relatively late in Nepal. Blue Diamond Society, an organization established in 2001 by Sunil Babu Pant started to lobby and work towards sexual and gender minorities’ rights in Nepal. BDS has been an inspiration to and a platform for the third gender people in Nepal. According to Pant (2001), 8 to 10% of the population of

Nepal is estimated to be LGBTI. BDS in 2001 had identified more than 300,000 gender minorities in Nepal (NSRC, 2010). But they were not visible in the national census of 2011. The total population of third gendered persons was not published in the census report of 2011. They were subsumed within 13, 693, 378 females and 12, 927, 431 males of the total 26, 620, 809 population of Nepal. Contrary to what Central Bureau of Statistics had announced prior to the census enumeration, the third genders are not recognized in the census for now. In fact, the third gender category was not included in the detailed census questionnaire. There was only a provision for registering the third gender in the household listing form. Kyle Knight, a Fulbright scholar, also rightly noted “They could list themselves as third gender but it would not be counted” since it was only “a strategy meant to pacify” the individuals belonging to the third genders of Nepal (October 2, 2011).

Nepal LGBTI Survey 2013 has shown 4.196% LGBTI population in the country. Composition of the population includes Lesbian-0.31%, Gay -1.35%, Bisexual-0.1%, Transgender- 2.17%, and Intersex-0.05%. In 2016, they were estimated to be about 900,000 (personal communication with B. Shah, who is a staff member of BDS, October 2017).

Perceptions of the Family and Society

The Ardhanarishwar, half woman and half man, form of lord Shiva is worshipped by Hindus. Similarly, the role of Shikhandi, an intersex prince, is noteworthy in Mahabharata epic. Bhishma Pitamaha, the great warrior and senior-most person of the Kaurava and Pandava family, put away his arms when he saw Shikhandi leading the opposition military force in the battle is said to have described in Mahabharata. Also, in the epic story of Mahabharata itself, when Pandava brothers were in exile for 13 years, as per their agreement with the Kaurava brothers, Pandavas had to spend their 13th year in exile in disguise living among people in the society. During this one year period, Arjun is said to have disguised himself as Brihannala, a eunuch who taught music and dance to the daughter of King Virat¹.

1. In the Hindu epic story of Mahabharata, the Pandava brothers were stipulated to spend 13 years in exile in complete disguise after they lost all their property including the kingdom in a gamble with the Kauravas.

In Nepal, people in the family and society, seem to have negative attitudes towards the third gendered persons. They are not accepted but are rather discriminated, excluded and ostracized by family and society. Family members want to drive away or abandon such persons for the sake of protecting their families' prestige in the society. Most of the third gender persons tend to leave their school, home town and move to other places. Thus, they are forced to hide their pain. For Laxmi Lama and Mira Bajracharya, a couple of Hetaunda, coming out was a tragic experience of ostracism, threats and discrimination as reported in the national newspapers.

The process of "coming out" and "asking for a social space" by the third gendered persons in Nepal has begun with the help of BDS. Bhupal Bista of BDS, Dang Center, said, "Though they were kicked out of their homes, most of the third gendered persons are not willing to "open up". Many of them wander in the streets in search of work. We provide them counselling and send them to work". (Kantipur Daily. July 16, 2010). Let me cite how some third gender individuals had been treated by their own family or fellow villagers.

i. Dipika BC, a third gendered person of Salyan: I was missing home so badly that I went home during night time at Dashain festival. But I was kicked out of the house the next day before dawn. After that each day I spent crying. When you are kicked out of your own house, you do not know what to say and do. You have no place to go and you have no person to help you.

ii. Komalika Hamal of Gadhwā, Dang: In the village people call the third gendered persons *chhakka* and *hijda*. Discriminated by the family and society, it was difficult even to go out of the house. People start teasing as soon as they see us. When it became too much we had no choice but to leave the village. Now we do not know what to do. We are in a difficult situation as we now feel whether to live or to die.

As per the story, the Pandavas were required to spend the last year of their exile among communities but had to remain unrecognizable as Pandavas. During this year, they worked for King Virat. Here Yudhisthir was known as minister Kanak, Bhim as Chef Vallav Maharaj, Arjun as Brihannala—a eunuch and a dance and music teacher to the King's daughter, Sahadev as Tantripal the cattle herder and Nahakul as a caretaker of the royal stable. And Draupadi, wife of the Pandavas, disguises as a beautician Malini.

iii. Lali Chaudhari of Kohalpur, Banke: When it was not possible to live in the village, I ran away to Nepalgunj, worked there as laborer and did art work also. But in all the places where I worked, I was mistreated. No matter where we go, people do not give us work when they find out about our gender identity.

Social and cultural prejudice of the people in the society acted as a barrier for the Third Gendered persons to “open up” themselves and “come out” of their gendered identity imposed by the society. On the other hand, social norms and values shape peoples’ attitudes and behaviours to the extent that people even exile their own offspring with the fear of being Ostracized by the society. Friends’ attitude and treatment tend to force the third gendered persons abandon their studies. Some Stories of Intersex individuals summarized by Regmi (2016) also allow us to make such arguments. Let me present some such illustrations:

a) Family members of Sheetal Humagai, who was given a feminine name and raised as a daughter, kept suppressing her gender identity out of fear that the family’s social status would be downgraded if the community knew about her ambiguous gender identity.

b) China Chaudhary was forced to leave home because parents were not happy. She ran away from home and worked as a domestic helper in a town where she met an accident and broke her leg and was therefore fired from work. She returned home but did not receive any care, support or treatment from the family.

c) Peer group support appears to be a critical factor in the adolescence period. Kamala Guragain of Jhapa, who was born with ambiguous genitals, was raised as a daughter. At school, classmates used to tell her that she was a boy and must sit with the boys. She ignored them and continued to sit with the girls. But upon reaching puberty, there were drastic changes in her appearance (growth of facial hair). Friends started teasing her by using bad language, calling her *Hijara*, and regarded her as a bad omen and urged to the school authorities that she be expelled.

d) When Nabin Chaudhary’s body started to develop like a boy’s, school mates began to tease. She began to wonder why she

looked different and why people were questioning. Incidentally there were five intersex people in her immediate and extended family. This resulted in more teasing and humiliation. She got mentally disturbed and could not continue school. Later she changed her name to that of a boy. This led her to be doubly discriminated because she looked like a male but had breasts as of a female. She was stressed and dropped out of the school.

e) Family support is crucial to a person's well-being. Despite the problems faced in adjustment with school friends, Archana with her family's support could complete her Master's education and was able to get a job. Story of Archana (Regmi, 2016) illustrates this: Since Archana's parents had a daughter already there was a desire to have a son. As she was not developing physically like other girls her parents and relatives began to worry. At school, she wore a skirt which did not suit her because her body had not developed like a girl's. But in the college, uniform was compulsory. Her uncle was a professor in the college who approached the administration and made it possible for Archana to wear the male uniform. But classmates refused to mix with her as they were not sure about her gender. This caused her extreme anxiety; family were also worried. Archana did not know about her gender identity until a relative doctor visiting from India told her that she was an intersex. However, her mother comforted her. She continued studies and completed Master's degree. Parents supported but after father's death she had to bear family's responsibilities. Finding a job was difficult but eventually she got a job at a cooperative.

f) Born in Bajura, the remote mountainous region and raised as a girl Parvati's physical development was different compared to that of other girls. Due to her urinary incontinence and the continuous foul smell of urine, she was teased, disowned, and humiliated by her classmates. Her family thought that she could be cured. She was taken to India for treatment, where the doctor said the treatment was not possible. Instead, he advised that the Hijra community of India would take her as part of their rights. Her parents were afraid that she would be abducted and brought her back. When she went out, people used to look at her and ask whether she was a man or a woman. This caused anxiety and as a result she was not able to work nor continue her studies. She often broke down and felt weak. However, her family always encouraged her. This encouragement led her to continue her

studies. During her final examination she was taken as a fake student as her appearance did not match to the name and gender on the ID card. She completed her study and began looking for employment but she was rejected because her feminine name 'Parvati' in the certificates did not match her physical appearances.

g) Soon after Arjun Chirimar was born his family came to realize that his genitals were neither of a male nor of a female, but a mix of both. Still he was raised as a son. He suffered from the continuous flow of urine. His classmates and other children teased and humiliated him. His family continued to receive negative comments and bad treatment. Due to poor financial situation, his family did not have any other option than to leave the village. Because they feared of being ostracized and discriminated by the community, his family members were hesitant to speak for him

A case of maximum cruelty from the family members beyond one's imagination is reported in one BDS Annual Report (2065/66 B.S.). The event is of Dhanusha, where Shatrudhan was born as a son. All of his activities were similar to that of a girl. In other words, his brain sex was of a girl. Due to this his parents barred him from education. After the death of the parents, worried about family prestige his brother started controlling and pressing him. He was not even allowed to go out of the house. At the end Shatrudhan chose his family's Tractor driver as his partner (husband). Their love affair was doing well until his brother knew about it. One day the brother told Shatrudhan to cook rice and meat and asked him to call the driver as well for meal. The driver suspicious of the brother's activity, thought it was better to run away. The brother poisoned Shatrudhan's drink. Everybody in the village knew that Shatrudhan was killed by his own brother but no one would say anything about it.

Frequent incidents indicate (see stories summarized above) that they continue to face a range of difficulties. Many of them continue to live with fear, prejudice, abuse, exclusion and discrimination.

Contrary to this, a man in the US, who transformed himself to a woman, was taken happily by his wife and the children. Bishwakarma's article (2012) in Kantipur Daily elaborates:

A scientist named Anthony lived in Shanta Monica, California. He had researched on changing hormone on mice and then on people.

In course of hormone changing work, in changing people's sex, he desired to change his own sex into that of a woman. He was 50 years old and his wife was 40 years old. They had two sons and two daughters studying in grades 8, 10, 6 and 7 respectively. He became an expensive woman because she was not a natural woman rather woman made by science. A woman created by competing with nature. Thousands of dollars were spent to change her body parts. After his hormone change his wife made another boyfriend. They all lived together. His children called him Annie. While introducing to their friends, they said "my biological father" to Anthony and "my mother's boyfriend Mr. Jack". American society has accepted such relationship easily. They had no problem with this.

The story above illustrates the how easily sex-change is accepted in some western societies. Borrowing Altman's words, it is different in "...applying universal norms of sexual identity to societies with very different cultural and social structures to those which produced the particular construction of 'gay' and 'lesbian' identities." In Nepal, it would be at least for another generation before children could accept their parent's transgendered identity.

Levin wrote in the New York Times (2016) that, "Canada has for decades been at the forefront of gay rights, legalizing homosexual activity, open gay military service and support same-sex marriage long before the United States and other Western democracies did." Still "Young gay people leave their small towns and head to the big city, where they can find love, acceptance and, in Canada at least, a curling league (winter sport) to call their own."

In the United States, there was prohibition for third gendered persons to enter military service until Obama administration lifted the ban in 2016. Obama had also decided that those serving in the military could get treatment expenses from the Government for sex change, should they wish so. But again, the current US President Donald Trump has ordered the Ministry of Defense to stop admitting third gendered persons in the military services. The reason being given for the ban is that having third gender persons in the army would increase medical expenses of the Government (Kantipur Daily 2017). In Nepal, there is an incidence of an Army officer being fired from job for the charge of becoming involved in lesbian activity (Basnet 2008; BDS, 2009a).

Third gender person is not accepted in military service in Nepal.

In Nepal, third gender persons are visible in human right documents, given equal rights in legal spheres but at the same time they are ignored and neglected in implementations of those rights. Until not long ago, they were deprived of citizenship certificates and Machine-Readable Passports. They are not able to inherit parental property. Moreover, they were not even counted separately in the recent national census of 2011.

Similarly, studies on peoples' perceptions on Nepal's Third Gender community is lacking. There is hardly any study providing information of Third Genders of Nepal in comparison with Third Genders in other countries. Recently students of Gender Studies have started writing their Master's thesis on issues related to third gender (Lamsal, 2016; Poudel, 2017). Works as these may increase an understanding on a group of people who are least known and are not visible among the public. The knowledge gained and the information obtained during such study could also become useful for policy makers and legislators in addressing the problems of the third gender minority people in Nepal.

Perception of the State

The Government of Nepal used to consider third gender individuals to be 'unnatural' and 'perverted.' When Mr. Pant filed an application to get BDS registered as an NGO with the government of Nepal, he was told by the concerned government official that such an organization could not be registered unless the stated goal of BDS was to 'turn the gay people straight'. This is a clear indication that the government and those who work in the government offices viewed the people belonging to the 'Other' gender as deviants and problems. This was also a denial of the "third gender" as an independent social class. But things seem to have become better in the recent years.

Though Nepal had been issuing passports under only male (codified as M) and Female (codified by F) categories, Bishnu Adhikari a FTM (Female to Male) person had received citizenship certificate under 'third gender' category in 2007. In December 2007, Supreme Court of Nepal made a ground-breaking decision on Gender identity and sexual orientation, recognizing equal

rights of sexual minorities, including equal recognition before the law. The Supreme Court decision ordered the government to issue citizenship certificates or identity cards that allow selecting third gender, i.e., “other” to identify an individual’s sex and gender (Wikipedia, 2017; Panta and others, 2008).

Nepal is considered the first south Asian Country to recognize equal rights of LGBT persons. Office of the High Commissioner for Human Rights (OHCHR) Representative Jyoti Sanghera remarked that “Nepal is the only South Asian Country to recognize equal rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons”. She further stated, “We all recall the ground-breaking decision on gender identity and sexual orientation issued by the Supreme Court in December 2007, recognizing equal rights of sexual minorities, including equal recognition before the law” (The Kathmandu Post 2011). However, the court order that asks to treat such individuals as equal citizens may not have been adhered to all the time.

The appointment of BDS President Sunil Babu Pant as a member of the Constituent Assembly in 2008 suggests that Nepal government has significantly changed its position now. The court recognized third gender individuals as ‘natural people’ and ordered the government to end all discrimination against third gender individuals by formulating appropriate laws and amending existing laws to ensure their rights.

Nepal is listed by Tower (2016, p.7) as a country where i) ‘Pre-Western idea of transsexual’ was present; ii) there is national discourse on LGBTI; iii) there is anti-discriminatory legislation about LGBTI; and iv) legal provision in Nepal enables individuals to change their gender. Today Nepal’s official documents afford its citizens three gender options to choose from: Male, Female and Other. Nepal’s National Census 2011 was the first census in the world to allow people to register themselves as a gender other than Male or Female. Nepali state is considered progressive in allowing individuals to choose and change their gender. And there is legal arrangement now to issue citizenship ID and passports to ‘Other’ gendered people.

Regarding same-sex marriage, the Court ordered the Government of Nepal, “to carry out a thorough study and analysis...; the experience of nations where same-sex marriage had been recognized” before such law can be instituted. The

Court declaration must have given a feeling of hope and some relief for the third gender individuals in Nepal since with the new provisions coming into effect they are less likely to become the targets of police brutality for engaging in ‘unnatural and unacceptable’ behavior. But in reality, such declarations have not effectively guaranteed their rights. For instance, even after the Court decision, in the recent past, there have been incidents of denial of issuing citizenship certificates and machine-readable passports under the gender category of ‘third gender’ (BDS, 2017).

In January 2014, a committee was formed by the government to study international laws on same-sex marriage and prepare the report. The committee submitted its report to the government in February 2015 but nothing was heard from the government’s side for about one year. Only in January 2016, a government official informed that the recommendations of the committee were under discussion within the government. In February 2016, the National Human Rights Commission suggested the government to introduce a bill to allow same-sex marriage. Perhaps as a response to such advice, in October 2016, the Ministry of Women, Children and Social Welfare set up a committee for preparing a draft bill on the issue. Subsequently, a bill amending the Civil Code was introduced. But to everyone’s surprise, in February 2017, the provisions allowing for same-sex marriage (to be legal) had been scrapped from the proposed bill. Thus, same sex marriage in Nepal is yet to be legalized.

In July 2017, a couple (one partner identifies as third gender) successfully registered their marriage in Dadeldhura District of far-western Nepal. LGBT activist Sunil Babu Pant congratulated the couple and said that a same-sex marriage law is still being discussed in Parliament. Home Ministry spokesman Deepak Kafle said that the marriage could be invalid (see Wikipedia, 2017).

The Supreme Court had ordered the authorities in 2007 to amend laws to provide citizenship certificates to the third gender people. Accordingly, a decision was taken to provide passports to all sexual minorities, commonly known as lesbian, gay, bisexual and transgender (LGBT) under others (codified as O) category. Nepal also issues citizenship certificate to all sexual minorities under others or “O” category. Nevertheless, one cannot get “O” category passports just being a sexual minority. The person must

have a citizenship certificate under “O” category prior to applying for the passport under this category. All those who had acquired citizenship certificates under “O” category can now apply and acquire separate passport matching their identity. Nepal had to amend its passport regulations and existing Machine-Readable Passport technology in order to accommodate the new category.

Bhumika Shrestha, a transgender (Male to Female, MTF) of Naikap, Kathmandu, a recipient of passport in ‘Other’ category has already used it to travel abroad. However, Manoj Shahi, a transgender (MTF) of Lamki Municipality, Kailali, is the first recipient of category “O” in Machine-Readable Passport (MRP) in Nepal. She is yet to use it for international travel. The Department of Passport has issued a passport in the original name of Manoj Shahi. However, Shahi now prefers to be called Monica Shahi after gender transformation. Talking to *The Himalayan Times*, (the daily), Monica thanked the government for issuing passport recognizing her identity. “This is a very welcoming move. It is a huge recognition for all sexual minorities of Nepal,” she added. With this move, Nepal has joined a handful of countries, such as Australia and New Zealand, that recognize third gender in passports. Australia and New Zealand issue passports to sexual minorities with a gender sign “X”. Manisha Dhakal, Executive Director of Blue Diamond Society, welcomed the start of the passport issuance to sexual minorities. She appealed all the countries to acknowledge Nepal’s decision and facilitate the trans-border travel of Nepalese having “O” category passports.

Third genders are organizing themselves under the umbrella of Blue Diamond Society. So far fifty-two BDS centers have been established in various places. With the help of BDS, lesbians have registered seven organizations in different towns and cities (see Thapa 2065/66). These organizations are working in the field of human rights.

Conclusion

Individual and society are the two sides of a coin and thus remain reciprocally related in a fundamental way: each pre-supposes the other. People’s perception and practice on Third Gender is guided by society they live in. People in the family and society in Nepal, seem to have negative attitudes towards the third gendered persons. They are

not accepted but are rather discriminated, excluded and ostracized by family and society. In the name of saving family prestige, the third gendered persons are compelled to abandon their home.

Considerable progress is being made in advancing human rights for the third gender individuals in Nepal. The government of Nepal used to consider third gender persons to be 'unnatural' and 'perverted' until not long ago. But things have been getting better in recent years. The court recognized third gender persons as 'natural people' and ordered the government to end all discrimination against third gender persons by formulating appropriate laws and amending existing laws to ensure their rights. The third gendered persons lately are identified as 'Other' category in their citizenship certificates and in Machine Readable Passports. Besides, a member of the Constituent Assembly was appointed from the third gendered community.

Through amendments of some laws and by making egalitarian policies, Nepal has shown signs of change in gender equality. With the social, cultural and political change in Nepal, the third gendered people have started to come out of the closet demanding equal rights in par with other genders. Given a disparity in policy, legal provisions and actual practice, a better understanding of the perceptions and experiences of various agencies (including those belonging to the third gender) towards 'Third Gender' is essential which in turn may promote better harmony and justice in the society.

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