

13

**VIOLATIONS OF HUMAN RIGHTS OF SEXUAL MINORITIES AS DEPICTED IN
MAHESH DATTANI'S PLAYS****Handibag Y S***Head, Dept. of English
Swami Ramanand Teerth College,
Ambajogai, Dist. Beed, Maharashtra, India*

Abstract:

*Dattani's plays often voice the oppression and injustice done to the marginalized communities. He is the spokesman of such people and through his plays voices the concerns of women, incest victims, gays, lesbians and hijra community. His plays very much speak about the violations of human rights of the people on the periphery of the circle. The audience are made aware of the issues which they don't want to talk or discuss about. We do not treat these people as equal to us and perpetrate hideous treatment through familial, social, economic, and administrative set up. By doing this we deny them basic human rights. Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Dattani's play *Seven Steps Around the Fire* represents the voice of eunuch community who are not even allowed to show their faces in public. The play deals with the violence inflicted on the hijras, who are unseen and unheard in the society. Dattani's *On a Muggy Night in Mumbai* is the voice of Dattani on the prohibited issue of homosexuality and alternative sexuality. Dattani's concern for homosexuals with the hidden agenda for getting the social approval for a tabooed relationship has further been a motif in the play *Do the Needful*. Section 377 of the IPC and other discriminatory legislations that single out same-sexual acts between consenting adults should be repealed. Comprehensive civil rights legislation should be enacted to offer sexuality minorities the same protection and rights now guaranteed to others on the basis of sex, caste, creed and color.*

Keywords: *Sexual Minorities, Violations, Human Rights, Marginalization, Section 377.*

Mahesh Dattani, a theatre personality who is actually involved in stage production and performing on the stage, draws inspiration from Marathi playwright, Vijay Tendulkar. Unlike Girish Karnad who lays emphasis on history and myths, Dattani concentrates on contemporary society and reality in the fast changing world. He is a playwright on contemporary India and his plays are topical dramas. The questions he addresses in his plays are those of gender, sex, religion, communal tension, feminine identity, same-sex marriage, and above all, gay and lesbian relationship. Hence, his plays appear to be revolting, sometimes courageous. Reality and objectivity are the hallmark of Dattani's plays. The social awareness, the awareness for the silence of the colonized subjects, social discrimination in the name of religion, humiliation of humanity in the aroma of social pride, irrational acceptance of prejudices, sacrificing the ethical code based on human love, are brought to the stage through the dramatic vision of Dattani. The social conventions

often hamper the growth of individual and do not acknowledge the call of human love. In 1998 Dattani became the first playwright in English to be awarded India's most prestigious literary prize, the Sahitya Akademi Award. Bestowed on him for a collection of his plays, *Final Solutions* and *Other Plays*, the citation described his work as "a brilliant contribution to Indian drama in English."

Dattani's plays often voice the oppression and injustice done to the marginalized communities. He is the spokesman of such people and through his plays voices the concerns of women, incest victims, gays, lesbians and hijra community. His plays very much speak about the violations of human rights of the people on the periphery of the circle. The audience are made aware of the issues which they don't want to talk or discuss about. We do not treat these people as equal to us and perpetrate hideous treatment through familial, social, economic, and administrative set up. By doing this we deny them basic human rights.

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations on governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration on Human Rights in 1948, has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems. Human rights are inalienable. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law.

All human rights are indivisible, whether they are civil and political rights, such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the others.

Human rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfill human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfill means that States must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while we are entitled our human rights, we should also respect the human rights of others. Human rights violations occur when actions by state (or non-

state) actors abuse, ignore, or deny basic human rights (including civil, political, cultural, social, and economic rights).

Furthermore, violations of human rights can occur when any state or non-state actor breaches any part of the UDHR treaty or other international human rights or humanitarian law. In regard to human rights violations of Nations laws, Article 39 of the United Nations Charter designates the UN Security Council (or an appointed authority) as the only tribunal that may determine UN human rights violations. Human rights abuses are monitored by United Nations committees, national institutions and governments and by many independent non-governmental organizations, such as Amnesty International, International Federation of Human Rights, Human Rights Watch, World Organization Against Torture, Freedom House, International Freedom of Expression Exchange and Anti-Slavery International. These organizations collect evidence and documentation of alleged human rights abuses and apply pressure to enforce human rights laws.

Wars of aggression, war crimes and crimes against humanity, including genocide, are breaches of International humanitarian law and represent the most serious of human rights violations. In efforts to eliminate violations of human rights, building awareness and protesting inhumane treatment has often led to calls for action and sometimes improved conditions. The UN Security Council has interceded with peace keeping forces, and other states and treaties (NATO) have intervened in situations to protect human rights.

The founding document on which most human rights organizations base their advocacy is the Universal Declaration on Human Rights. From this initial document has emerged a whole series of human rights declarations, conventions and treaties pertaining to the rights of various marginalized groups and communities such as children, women, indigenous people, disabled people, prisoners, religious and ethnic minorities, refugees, etc. However, one significant absence in international human rights law has been an express articulation of the specific interests of sexuality minorities. This silence is dismaying, for the focus on human rights is often justified by invoking the Nazi holocaust and resolving to prevent another such genocide. What is forgotten in this invocation of history is that the Nazis not only systematically persecuted Jews, communists and disabled people, but also went about eliminating homosexuals. In fact thousands of homosexuals lost their lives in Nazi concentration camps.

It is only in the final decade of the 20th century that the gay/ lesbian/ bisexual/ transgender movement brought to the fore the rights of those discriminated against because of their sexuality. In 1991, Amnesty International for the first time came out with a policy to support the rights of people imprisoned because of their sexual orientation or because of engaging in homosexual activity in private. In the mid 1990's, the Human Rights Committee held that the anti sodomy law of Tasmania violated the right to privacy and the right to non discrimination guaranteed to all persons under the International Covenant on Civil and Political Rights. In Scandinavia, the provision of equal rights for sexuality minorities, including marriage rights, was an important breakthrough. The other major development has been the South African Constitution, which for the first time expressly prohibited discrimination on grounds of sexual orientation.

But while the scope of human rights has been extended to include hitherto marginalized communities at the global level, a similar movement is yet to take place in India. In fact, most

human rights organizations in India (such as the People's Union of Civil Liberties – PUCL) have not begun to address the question of rights of gays, lesbians, bisexuals, transgender, hijras and others who are oppressed due to their sexuality. Sexuality is sometimes viewed even in liberal and

radical circles as a frivolous, bourgeois issue. In such a context, homosexuality is seen implicitly as something deviant and unnatural that is at best defended as an individual freedom but not a matter of priority for the human rights movement. Generally, issues of poverty and gender, class and caste oppression are seen as more important than that of sexuality. But this ignores the fact that sexuality is integrally linked to ideologies and structures of social oppression such as patriarchy, capitalism, the caste system and religious fundamentalism. Hence, the struggle for sexuality rights cannot be separated from the broader human rights struggle for economic, political and social liberation.

Homosexual orientation is common in almost every culture and every society. It has to be noted that homosexuality also finds a mention in the various pre-colonial laws. Homosexuality is seen as an offence in Manusmrithi, which however can be expiated. Lesbianism by contrast merits more serious punishment. Islamic Shariat law treats homosexual conduct as a serious offence, though it is being argued by some recently formed gay Muslim organizations that Islamic law can be interpreted in a nonhomophobic fashion. It was with the enactment of uniform criminal laws in India, in 1860 that there was a uniform proscription of homosexual behavior.

Though sexuality minorities have always existed in India sometimes in forms, which are culturally sanctioned (such as the hijra) and at other times in invisibility and silence, their issues have never seriously been articulated. It is only recently that the rights of sexuality minorities as an issue have been taken seriously in India by various civil society organizations. With the founding of India's first gay magazine Bombay Dost in the late 1980's and the starting of a lesbian collective in Delhi called Sakhi, lesbian, gay and bisexual issues were first articulated in a public forum. Since those early beginnings, the fledgling sexuality minority rights movement has grown increasingly vocal and articulate.

Today there are organizations, helplines, publications/newsletters, health resources, social spaces and drop-in centers in most of the major cities in India like Delhi, Mumbai, Calcutta, Bangalore, Hyderabad, Pune, Chennai, Patna and Lucknow. There has also been a branching out into smaller cities and towns like Akola, Trichi and Gulbarga. In spite of this, the support structures provided are painfully inadequate with few or no such organizations for lesbians, bisexuals and hijras. What is more, many of the newly emerging organizations die out silently while even the more established ones have been able to reach out in concrete terms only to a small section of the sexuality minority population due to lack of resources, personnel, government support and extreme societal/state discrimination.

There has been a sharp increase in attacks on sexuality minorities, including harassment and illegal detentions by the police of gay and bisexual men in public recreational areas. All sexuality minorities, i.e. gays, bisexuals, lesbians, transgender, transvestites, hijras and other homosexual men and women, suffer in different degrees social and political marginalisation due to their sexuality and/ or gender.

Homosexuality is generally considered a taboo subject by both Indian civil society and the government. Public discussion of homosexuality in India has been inhibited by the fact that

sexuality in any form is rarely discussed openly. In recent years, however, attitudes towards homosexuality have shifted slightly. A recent victory in the struggle for human rights, law reform and years of advocacy came through the reading down of Section 377 of the Indian Penal Code (IPC). The law criminalised certain sexual acts between consenting adults, jeopardising the self-

respect, dignity and safety of sexual minorities in particular. The process of challenging the constitutional validity of this law began with the Public Interest Litigation (PIL) filed by Naz Foundation India in the Delhi High Court in 2001 and finally culminated in its favour on 2 July 2009. The judgement represents a significant victory in the defense of human rights of sexual minorities in India. More significantly, it opened up the subject of sexual minorities to the media and brought it into the realm of public discussion and dialogue. Sexual minority communities were highly instrumental in galvanising its members and contributing to the legal process that led up to the Delhi HC judgement.

Several organizations like the Naz Foundation (India) Trust, the National AIDS Control Organization, Law Commission of India, Union Health Ministry, National Human Rights Commission and The Planning Commission of India have either implicitly, or expressly come out in support of decriminalizing homosexuality in India, and pushed for tolerance and social equality for lesbian, gay, bisexual, and transgendered people. India is among countries with a social element of a third gender.

Social discrimination against sexuality minorities manifests itself in the production of the ideology of heterosexism which establishes the male-female sexual relationship as the only valid/possible lifestyle and renders invalid the lives and culture of those who do not fit in. The ideology of heterosexism pervades all dominant societal institutions such as the family, the medical establishment, popular culture, public spaces, workspaces and household spaces.

In the traditional society of India, the identity of gays, lesbians, hijras and homosexuals has not yet been organized. Dattani dramatizes the crisis of those relationships that are not rigidly demarcated in terms of socially accepted gender constructions. All his works so far-plays, films, screenplays, focus on the marginalized entity. He is a spokesperson of all sexually subaltern people (gays, lesbians, hijras and homosexuals). His plays *Seven Steps Around the Fire*, *On a Muggy Night in Mumbai*, *Do the Needful* reveal the violation of human rights.

Dattani's play *Seven Steps Around the Fire* represents the voice of eunuch community who are not even allowed to show their faces in public. The play deals with the violence inflicted on the hijras, who are unseen and unheard in the society. The play expresses the identity crisis of the hijras and their heart-felt longing for being treated as a social being in an indifferent society where people like the government minister seldom feel qualm of conscience in getting hijra burnt to death. So *Seven Steps Around the Fire*, dwells on the theme of eunuchs, their identity, their constitution and their connotation. Uma Rao, the sociology scholar, emerges as the most powerful character of the play, who fights to establish the identity of a eunuch named Kamala, during her research on the class and gender-related violence and crime. It's justice in the nemesis of the play. A eunuch, a beautiful one, invited for marriage, and the final tragic death-all seem to be a misconstrue. But it happens. The mystery behind the death is in the police-politician-crime nexus. Uma Rao's research on this ancient tribe brings into focus the hypocrisy and repression that 'the big shots' are capable

of because they are beyond the reach of law. The society accepts a hijra for gracing the ceremonies of marriage and birth but would not allow him to partake of such ceremonies. The author has ironically portrayed this aspect that would not have otherwise received any attention, for any matter related to the hijra is of no importance to anyone. The heart-rending story about a hijra murdered simply because she fell in love with Subbu, a young man with a status of importance in society, fills us with horror and sense of injustice. When the fact of her being a “hijra” is revealed to people, she is mercilessly murdered. Her deprivation in terms of essential femininity instead of arousing sympathy and a feeling of compassion is looked down upon; she is discriminated against and ultimately murdered. A sense of horror and injustice prevails for it is not by choice but by sheer misfortune that she is what she is. For many Indians - both upper and middle class- hijras exist at the periphery of their imaginaries, making themselves visible only on certain occasions.

Dattani's *On a Muggy Night in Mumbai* is the voice of Dattani on the prohibited issue of homosexuality and alternative sexuality. Politically, the community of gay and lesbians is marginalized. Marginalization, victimization, self torture, guilt and resistance against the social traditions constitute the spectrum of the existence of gays. Dattani deals with a difficult subject with a bold pen. With a fine delineation of characters like Ed, Bunny, Sharad and Kamlesh in a lively and witty manner, Dattani brings out the psychological pressures and fears, the real and the imaginary which gays have to live with. The play is like a charter of demands for homosexuals whose activities are deemed a social taboo in the Indian society. Their sexuality is still strongly forbidden by social custom and is greatly offensive to the prevailing moral and social code. The major concern of Dattani's plays in depicting homosexual situation is the identity crisis that results from being marginalized and oppressed. Dattani in this play investigates how the human aspirations are insignificant in contrast of social faiths. History is a witness to the fact that the invisible clutches of social forces can never permit an individual to carve his own design beyond the patterns recommended and accepted by society.

Dattani's concern for homosexuals with the hidden agenda for getting the social approval for a tabooed relationship has further been a motif in the play *Do the Needful*. The common oppressor is the patriarchal structure that refuses to allow any space for the growth of individual beyond a set pattern of gender determined roles. The play *Do the Needful* is apparently a romantic comedy set around the concept of arranged marriage in the traditional society of India. It begins with two set of families, One Gujarati (Patel's family) and another Kannadigas (The Gowda's family) who are negotiating on the marriage prospects. Alpesh, the son of Mr. Patel, is 'thirty plus and divorced' and Lata Gowda is 'twenty four and notorious'. Alpesh being a gay, has his yearnings for Trilok, his companion while Lata is involved with a man who is a terrorist. To avoid the consequences of these two unnatural relationship, both the families are anxious for the hasty marriage. The gay hero and the notorious heroine get into a marriage of convenience with a secret understanding that they will be free to follow their natural inclinations. They resolve to marry just for the satisfaction of their parents and maintain a silence against relations that can't propagate in society. Lata thought only of 'Salim' and Alpesh thought of 'Trilok'.

How to stop violating human rights of these sexual minorities is still a big challenge before society. Following measures will be helpful in order to give them a respectful life and equal treatment as human being irrespective of their sexual orientation. Section 377 of the IPC and other

discriminatory legislations that single out same-sexual acts between consenting adults should be repealed. Comprehensive civil rights legislation should be enacted to offer sexuality minorities the same protection and rights now guaranteed to others on the basis of sex, caste, creed and color. The constitution should be amended to include sexual orientation as a ground of non discrimination. Same-sex marriages should be recognized as legal and valid; all legal benefits, including property rights that accrue to heterosexual married people should be made available to same-sex unions.

Every person must have the right to decide their gender identity, including transgender, transvestites and hijras. Human rights and social action organizations should take up the issues of sexuality minorities as a part of their mandate for social change. A comprehensive sex-education program should be included as part of the school curricula that alters the heterosexist bias in education and provides judgment-free information and fosters a liberal outlook with regard to matters of sexuality, including orientation, identity and behavior of all sexualities. The Press Council of India and other watchdog institutions of various popular media (including film, video and TV) should issue guidelines to ensure sensitive and respectful treatment of these issues.

WORKS CITED

1. Dattani, Mahesh, *Collected Plays, Vol.I*, Penguin Books India, New Delhi, 2000.
2. Dattani, Mahesh, *Collected Plays, Vol.II*, Penguin Books India, New Delhi, 2005.
3. Dhawan, R.K. & Pant, Tanu, *The Plays of Mahesh Dattani: A Critical Response*, Prestige Books, New Delhi, 2005.
4. Multani, Angelie, *Mahesh Dattani's Plays: Critical Perspectives*, Pencraft International, New Delhi, 2007.
5. <http://sangama.org/files/sexual-minorities.pdf>
6. http://www.undp.org.in/sites/default/files/reports_publication/Documenting-the-Growth-of-Community-Action-among-Sexual-Minority-Groups-in-India.pdf
7. <http://www.ohchr.org/en/issues/Pages/WhatareHumanRights.aspx>
8. <http://plato.stanford.edu/entries/rights-human/>
9. http://en.wikipedia.org/wiki/Homosexuality_in_India
10. www.rockpebbles.in/2010/08/subaltern-sexualities-in-plays-of.html



This is an Open Access e-Journal Published Under A Creative Commons Attribution 4.0 International License

To Cite the Article: Handibag, Y., S., "Violations of Human Rights of Sexual Minorities as Depicted in Mahesh Dattani's Plays". *Literary Cognizance*, 1-1 (2015): 66-72. Web.