



A Discourse on the Third Gender in India: The Genesis of their Marginalisation and Perspectives of Society

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ABSTRACT

India, being the cradle of diversity, has embraced the third gender for ages. In pre-colonial India, the physical presence of the third gender was not just common, but they were also revered, trusted, and entrusted with important official functions, especially during the medieval period. However, with the establishment of colonial rule in India, there was a decline in the social status of the third gender. The deliberate attempt of the Britishers to defame this community through legislative and judicial actions resulted in their marginalization. Due to the colonial legacy and halfhearted approach of the Government agencies, they still face challenges in the form of social discrimination, unhealthy environments in educational institutions, lack of job opportunities, and inadequate health care access. This paper attempts to analyze the views of Indian society towards the third gender, their challenges and sheds light on the effectiveness of recent developments toward the upliftment of this marginalized community.

KEY WORDS

Third Gender, Hijra, Colonial Legacy, Discrimination, Reservation, Social Stigma.

Research Method

To collect data, the questionnaire method is used through Google form. 102 respondents participated in the survey titled "Third Gender: Voices and Challenges." Important Government official documents as well as relevant secondary sources are also used.

Details of the Survey

About 55.9 percent of respondents are female, while 44.1 percent are male. The single largest size 65.7 percent of respondents belong to the age group of 20-30, while 15.7 percent are of the age group below 20. Another 13.7 percent of respondents are of age group 31-40, and the remaining 4.9 percent are above 40. Around 61 respondents are from urban areas while 41 are from rural areas.¹

INTRODUCTION

The World Health Organization defines the term sex as the difference in biological and physiological characteristics possessed by males and females, such as reproductive organs, chromosomes, hormones, etc. While the term gender refers to “the socially constructed characteristics of women and men – such as norms, roles and relationships of and between groups of women and men.”² The basic difference between sex and gender is that the former is a biological construct while the latter is a social construct. An individual who is neither categorised as male nor as female, such a social category is described as the third gender. In Indian society, the third gender is commonly referred to as Hijra (eunuchs). The word Hijra comes from the Persian word “hiz” which denotes ineffectiveness and incompetence.³

The English translation of this term “Hijra” is either “eunuch” or “hermaphrodite.” In India, both these terms imply impotence- inability to perform the male sexual role. The term eunuch itself is a masculine noun implying a man that is less than a perfect man.⁴

Representation of the Third Gender in Indian Mythologies

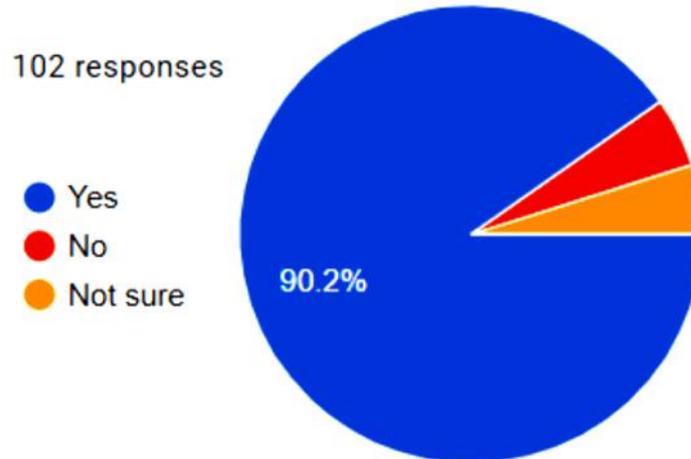
Despite their “imperfection”, Indian scriptures such as the Ramayana and Mahabharata give evidence that third gender people were not denigrated but appreciated in the ancient past. Shikhandi, an important character in the Mahabharata, was born as female but changed her gender; still, she was a revered figure. Even Arjun, the greatest warrior of the Mahabharata, spent a life of a eunuch when he was in exile.⁵ One incident in the Ramayana highlighted the devotion of third gender people towards Lord Rama. When Lord Rama was leaving for his 14 year exile, he asked the men and women who were following them, to return to Ayodhya. But third gender people who were neither male nor female remained there, as Lord Rama did not mention them to go. They stayed there for 14 years. When Lord Rama returned after 14 years, he found them meditating there awaiting him. Touched by their love and devotion, Lord Rama bestowed upon them the power to give blessings to people on auspicious days.⁶

Medieval India: An Era of Opportunities and Acceptance

Third gender people played an important role during medieval India. Sultan Alauddin Khalji sent his army, led by a eunuch, Malik Kafur, against the Mongols and for the Deccan expedition. During his last days, Alauddin’s infatuation towards his eunuch, Malik Kafur, made him the most powerful man in the country.⁷ Malik Sarwar Khan Jahan, believed to be a Khwaja-sara (eunuch), was appointed as the custodian of the royal jewellery by Firuz Shah Tughluq and even served as *Shahnah-i Shahr* means governor of the city (Delhi) under him. After the death of Firuz Shah Tughluq in 1388, he founded the Jaunpur Sultanate in 1394.⁸ Malik Sarwar followed a strong administrative policy; he suppressed rebel zamindars and made them pay regular revenue and restored the forts of his newly founded sultanate.⁹ In the Vijay Nagar Empire, even the eunuch presided over the dewan, heard the petition of the people and settle their affairs.¹⁰ Even third gender individuals held significant position during Mughal era. They had free access to all spaces and sections of the population and were considered clever, trustworthy and loyal. ¹¹ Abul Fazl highlighted that Eunuchs having no family ties could be relied for absolute loyalty to the master. They even rose to well-known positions as political advisors, administrators, generals as well as guardians of the harems. In 1576, Akbar appointed Itimad Khan, a eunuch, as the governor of Bhakkar. ¹² The eunuchs were the secret keepers of their masters or mistresses. Jahangir mentioned that one of the eunuchs named Jawahir Khan was given the task of

supervision of the harem. He also got the rank of” 1000/300.¹³ Their elevated stature in Mughal court was also documented by foreign travellers. A seventeenth century Dutch merchant Francisco Pelsaert, mentioned that “the Mughal court’s eunuch could have anything they wanted, including beautiful horses to ride, attendants to look after them, female slaves inside the home, and clothing as elegant as their master’s.”¹⁴

Fig. 1



It is evident from all these references that in pre-colonial India, the third gender neither faced complete social exclusion nor was subjected to prejudice. But in contemporary Indian society they often face stigma, discrimination, or social exclusion. In my survey, 90.2% of respondents believe that third gender individuals face significant challenges in our society. 4.9% do not believe that they face significant challenges, while the remaining 4.9% were not sure about it (see fig. 1).¹⁵ One of the major factors behind the current deplorable condition of the third gender in our society is due to the legacy of colonial rule in India.

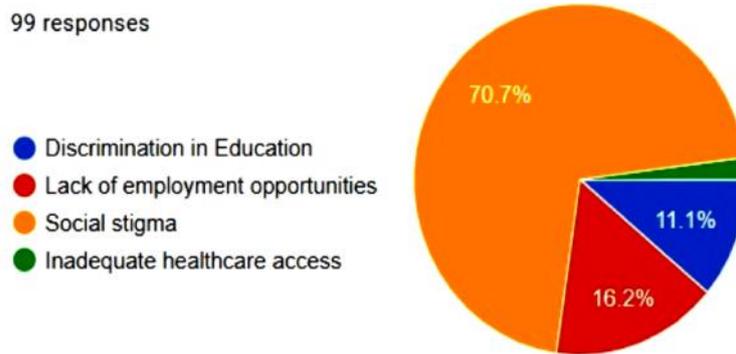
British Raj: An Era of Discrimination and Marginalisation

European travellers who came during medieval India were not the supporters of such social equality. They were repulsed by the rights and privileges enjoyed by the third gender. When British rule was established in India, they did not continue the practice of granting land, rights to food, and entitlement to smaller amounts of money from agricultural households.¹⁶ The revenue policy introduced by the Britishers made land a market commodity; they did not accept the claim of the third gender over land granted to them as it was not inherited through blood relations.¹⁷ Their prejudice towards the third gender is revealed by Jessica Hinchy in her book *Governing Gender and Sexuality in Colonial India*. Jessica highlighted the Bhoorah murder case of 1852. Bhoorah, a eunuch of Mainpuri of the North West district, was brutally murdered on 17th August 1852. During the trial, the British judges were convinced that the lover had killed her in revenge for leaving him. Despite being a victim, the judiciary made some derogatory remarks against Bhoorah and interpreted her death as evidence and criminalized the whole *Hijra* community. They labelled the *Hijra* community as cross-dressers, beggars, unnatural prostitutes and even called them an opprobrium upon colonial rule.¹⁸

Britishers, being the self-proclaimed guardians and tutors of social and gender morality, saw the third gender as a danger to public morals because they fell outside the well-established norms of heteronormative sexual perspective.¹⁹ In the second half of the nineteenth century, the British Government made a concerted effort to criminalise the *Hijra* community and deny them civil rights. *Hijras* were brought under the Criminal Tribes Act of 1871, and a penalty of two years in prison, a fine, or both was imposed for their actions, such as involvement in kidnapping, castrating children, as well as for dressing like a woman to dance in public. Even though the Act was repealed in 1952, its legacy is one of the contributing factors behind the precarious situation of *Hijra* in contemporary society.²⁰

Post Independent India: A Struggle for Gender Justice

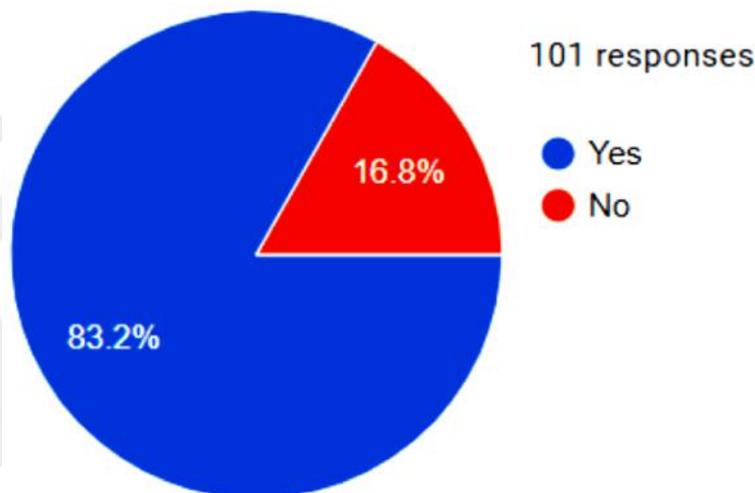
Fig. 2



During the survey when respondents were asked “What do you think are the primary challenges faced by third gender individuals in India?” Around 70 % of respondents accepted social stigma as a primary challenge faced by them, 11% highlighted discrimination in education and 16% believed that lack of employment opportunities are primary challenges for them. While 2% of respondents consider inadequate healthcare access is a major challenge for the third gender (see fig. 2).²¹

In the National Legal Services Authority v. Union of India case, on 15th April 2014, the Supreme Court for the first time formally recognized the third gender. The SC said that the third gender people are now considered as OBCs, and they will be given educational and employment reservations as OBCs. The court also asked the central and state Governments to devise social welfare schemes for the third gender community and run a public awareness campaign to erase social stigma.²² 83.2% of respondents in the survey also acknowledged the need for the reservation for third gender in education for their better upbringing. Conversely 16.8% were not in favour of reservation for the third gender in education (see fig. 3).²³

Fig. 3



(Source: Census 2011)

It is important to mention here that the Indian Census ignored the third gender in its data collection drive for years. In 2011, for the first time, data on transgender people were collected; because of that, the literacy level of the third gender all across the country came to light.²⁴

	State/UT	Population	Literacy				
				17	Puducherry	252	60.59%
1	Bihar	40,827	44.35%	18	Haryana	8,422	62.11%
2	Jharkhand	13,463	47.58%	19	Uttrakhand	4,555	62.65%
3	Rajasthan	16,517	48.34%	20	Gujarat	11,544	62.82%
4	Jammu & Kashmir	4,137	49.29%	25	Delhi	4,213	62.99%
5	Lakshadweep	2	50.00%	26	Sikkim	126	65.18%
6	Chhattisgarh	6,591	51.35%	27	Maharashtra	40,891	67.57%
7	Arunachal Pradesh	495	52.20%	28	Nagaland	398	70.75%
8	Madhya Pradesh	29,597	53.01%	29	Chandigarh	142	72.22%
9	Andhra Pradesh	43,769	53.33%	30	Dadra and Nagar Haveli	43	73.68%
10	Assam	11,374	53.69%				
11	Orissa	20,332	54.35%	31	Andaman and Nicobar Islands	47	73.81%
12	Uttar Pradesh	137,465	55.80%	32	Goa	398	73.90%
13	Tamil Nadu	22,364	57.78%	33	Daman and Diu	59	75.51%
14	Karnataka	20,266	58.82%	34	Kerala	3,902	84.61%
15	West Bengal	30,349	58.83%	35	Mizoram	166	87.14%
16	Punjab	10,243	59.75%				

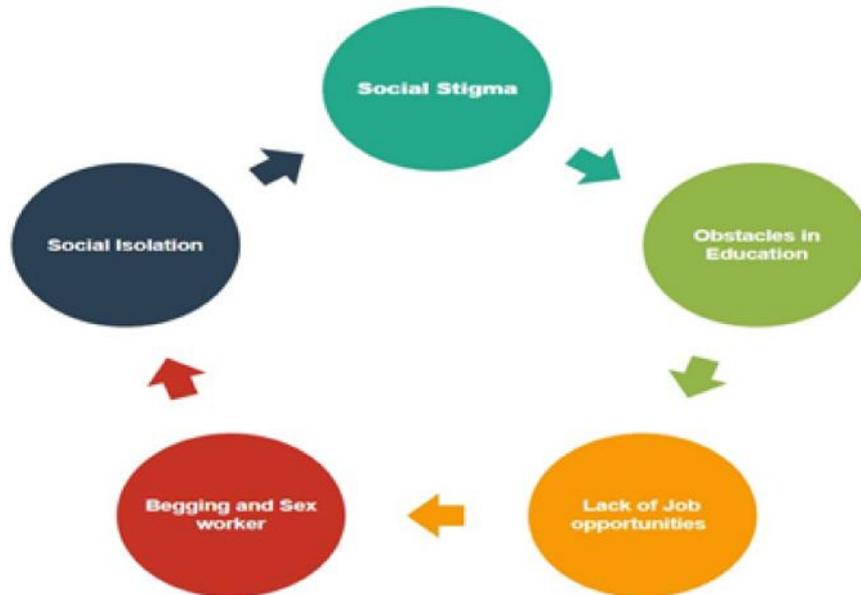
(Source: Census 2011)

As per Census 2011, the literacy rate in India is 74.04%, whereas it is 56.07% among transgender individuals, highlighting a significant disparity compared to third genders. In Bihar, transgender individuals have the lowest literacy rate at 44.14%, while Mizoram records the highest literacy rate at 87.14%. The Centre for Law and Policy research (2022) reported that the absence of inclusive and welcoming environments within schools and universities is the major contributing factor behind the low literacy rate among the transgender community. Even after enrolment, they face challenges in the form of acute discrimination, abuse and absence of transgender-tailored hostels etc.²⁵ The National education policy 2020 focuses on equitable and inclusive education. It provided for setting up a Gender Inclusion Fund (GIF) especially for girls and transgender students.²⁶ However, it does not provide specific guidelines to create a welcoming environment for transgender students and practical solutions to difficulties faced by third gender students such as societal stigma, prejudice as well as assault. These obstacles usually prevent transgender students from taking advantage of educational possibilities. In the absence of clear guidelines, educational institutions may handle the issue inconsistently. It is also unclear on whether transgender topics will be included in the curriculum or not.²⁷ Lack of educational opportunities limiting their job opportunities, forcing them to beg or become a sex work.

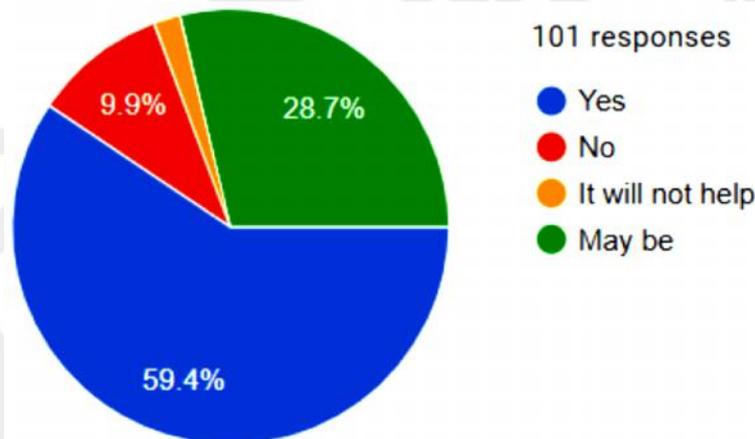
As per one study, conducted in 17 states of India, over 62% of the 62000 transgender women engaged as sex workers occasionally or full time.²⁸ It is clear that the third gender is one of the most socially and

educationally backward classes of citizens in India. For the upliftment of the backward class of citizens, in the famous Indra Sawhney case (1992), the Supreme Court established that social and educational backwardness are the grounds for reservation.

Fig. 4



In response to the question, “Do you believe that reservation for the third gender in jobs can improve their social status?” 59.4% of respondents supported reservation for the third gender in jobs, and an additional 28.7% expressed that it may help in improving their social status. However, around 10% believed that reservation for them cannot improve their social status, while 2% strongly disapprove of reservation as a helpful tool to improve their status (see fig. 4).²⁹



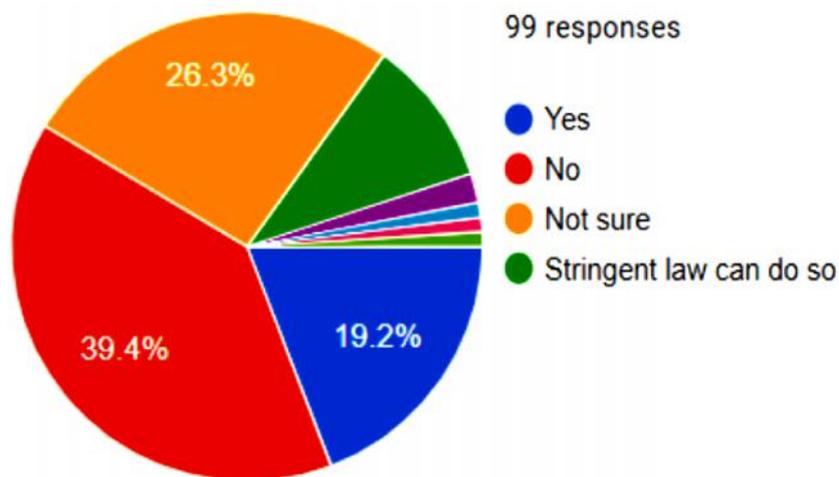
As per the constitution, the state is permitted to make any special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes and scheduled tribes.³⁰ However a proper law to end discrimination against third gender persons was passed in 2019. The Transgender Persons (Protection of Rights) Act, 2019 provides for strict penalties for discrimination against transgender persons on grounds related to education, occupation, healthcare, the right to reside, etc. But the Act has faced backlash from the transgender community mainly on three grounds:

- **Lack of self-determination of gender:** Act required third gender individuals to obtain a certificate from the District Magistrate certifying his identity as a transgender.

- **Lack of Equality before Law:** Under the Act, prescribed punishment for sexual abuse or physical abuse of transgender people is much less in comparison to punishment for the same offences against women.
- Lack of affirmative action in terms of employment or education.³¹

Even in the survey when it was asked, “Do you think laws or policies are sufficient to address challenges of third gender?” it revealed that only 19.2% of respondents believed that our laws or policies are sufficient to address the challenges of third gender. While 39.4% did not think that our legislative measures are sufficient, an addition 26.3% were not sure about the effectiveness of our laws and policies in addressing the challenges of third gender. Among the participants, 10 % were in favour of formulation stringent laws to address the issues, while remaining 5% suggested that change of mind set of society is necessary along with better laws and policies to address the issues of third gender (see fig. 5).³² In order to convince society to embrace any change, the media can also play an important role.

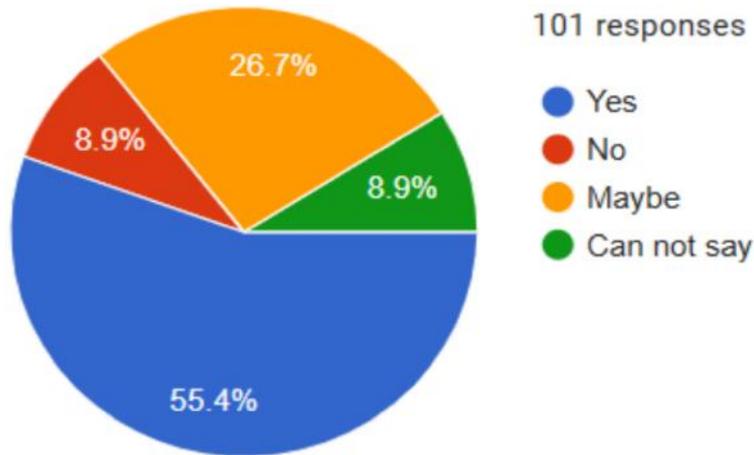
Fig. 5



A success story of any third gender individual can act as an inspiration for others. At the same time, such news creates a positive impression about the third gender. Unfortunately, our news media do not exclusively cover the milestones achieved by the third gender. For example, none of our television news channels specifically reported that three members of the transgender community qualified as sub-inspectors in Bihar in 2024³³ or that Navya Singh, a Trans woman from Bihar, was one of the first trans women to compete in the Miss Universe India pageant in September 2024.³⁴ Such ignorance towards the achievement of third gender individuals is nothing less than an act of silent prejudice against them. Possibly the news media don't want to upset their core audience, who still don't want to look beyond heteronormative relations. If third gender individuals are being kept ousted from society and discriminate at workplace, then they will remain nothing less than immigrants or refugees, who are unable to find a social home and are forced to satisfy people's stereotypes.³⁵

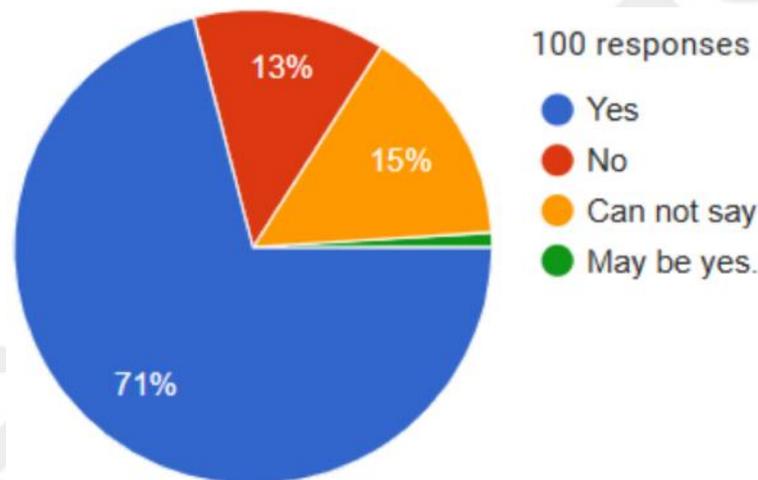
Even our entertainment industry remains indifferent towards the third gender. Earlier in most of the Bollywood movies, and even today in regional films, like Bhojpuri, characters portraying a third gender mainly reinforced the prevailing stereotypes of the third gender for cheap laughs. However, a few films like Rituparno Ghosh's Chitrangada (2012) brought their hardships to light. But the lack of success of such a film at the box office raises an important question: Has the public's stance towards homosexuality changed?³⁶ On social media platforms like YouTube, they are primarily portrayed negatively. There are only few good documentaries or interviews with third gender people on it. If you search for the term “*hijra*” on YouTube, you will mostly get videos of *hijra* begging in trains and harassing the passengers for money but many a times such nuance are created fake *hijra*- a cross dresser; possibly neither having castration nor having affiliation with any *gharana*.³⁷

Fig. 6



Survey also revealed that 55.4% respondent believed that increased representation of third gender Individual in media and leadership roles can reduce societal biases. Additional 26.7% also expressed that such steps may be effective in fighting societal biasness towards third gender community. Conversely 8.9% did not consider such measures as a way forward for the issues. While remaining 8.9 % respondents were not confident about weather increased representation of third gender Individual in media and leadership roles can reduce societal biases or not (see fig. 6).³⁸

Fig. 7



Surprisingly, when it was asked to the respondents “Is it okay for you to have a third gender friend?” 13 % of them rejected having a third gender as a friend and additional 15 % felt uncertain about it. Positively 71 % respondent did not have any problem in having a third gender friend while 1% said also responded may be yes (see fig.7).³⁹ Given that students provided the bulk of the responses, it may be said that the current generation is more welcoming and aware of the issues encountered by the third gender.

CONCLUSION

In the study, the majority of respondents accepted that third gender people still face significant challenges in the present society. Social stigma, low literacy level, lack of job opportunity and inadequate health care access are considered as the major factors responsible for their marginalisation. The majority of respondents also supported the reservation for the third gender in education and job opportunities. Although only a small proportion of respondents showed faith in legislative measures in addressing their challenges. But any law enacted with good intention is a welcome step. The Need of the hour is to implement our laws and policies in

letter and spirit. While most of the respondents believed that representation of third gender in media and their leadership role must be promoted. For this purpose, the news media as well as social media influencers have to come forward and spread awareness about their challenges. At the same time, we as a society have to change our mind-set towards them; then only the vicious cycle of stigma and their hardship can be broken.

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