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## THE THIRD GENDER COMMUNITY IN INDIA: CHALLENGES AND REMEDIES

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The Gender identity of an individual plays an important aspect of life, as Gender often refers to a person's intrinsic value of being a female, male, transgender or transsexual. Sometimes, we find instances, when our body is not tune with all of its proper attributes. This leads to genital anatomy problems and an individual may opt to undergo surgery. There might be cases, when the individual do not have access to the operation. Everyone is entitled to enjoy basic human rights which becomes the fundamental necessity to survive among our peers, without discrimination on the basis of sexual orientation or gender identity.

'Transgender' means a person who is— (A) Neither wholly female nor wholly male; or (B) A combination of female or male; or (C) Neither female nor male; and whose sense of gender does not match with the gender assigned to that person at the time of birth, and includes trans-men and trans-women, persons with intersex variations and gender-queers (Kinra 2019). Third Gender is usually out of the mainstream gender discourse but they face acute neglect and discrimination because of their gender which makes them the most disempowered and deprived gender. The discussion is limited to the issues of third gender which includes eunuchs, hermaphrodites, Shiv-shaktis, Aradhis, Sakhis, Hijras, Kothis, Jogtas/Jogappas, Kinnars, Khusras etc.

**Hijras:** They are natural males who dismiss their manly character at the appointed time to identify either as lady, or not-men, or in the middle of man and lady, or neither man nor lady. **Enunch:** It



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refers to an emasculated male & intersected to a person whose genitals are ambiguously male at birth. **Aravanis:** Biological Males who self-identify themselves as a woman trapped in a males body. **Kothis:** Heterogeneous group of people who can be described as biological males but their attributes show varying colours of femininity. **Shiv-Shakthis:** Males who are controlled by or especially near goddess and have ladylike sexual orientation articulation.

**Background of Third Gender:** According to the Rig Veda, in Hindu mythology, three types of genders have been considered— The Male, that is the Purush, the Female, that is the Prakriti and the third gender that is the Tritiya Prakriti. Also, their contribution towards the betterment of society is clearly evident from the stories of two main epics of India that is Ramayana and Mahabharata. In the Ancient Era, transgenders were considered special people as they were considered essential to perform certain rituals in the Hindu Mythology, Vedic and Puranic pieces of literature. They played a prominent role in the royal courts of the Islamic world as they were considered neither male nor female which bridged the gap between them. Therefore, they used to help the wives of the kings in getting dressed, in shopping and guarded them in the harem.

**Importance of Gender in our society** - Gender is one of the most pervading and given social categories. One may be oblivious of it on a daily basis but gender is present at every step. It determines most of the aspects of our life including our name, clothes, hair length, appearance, behaviours, occupation, mobility and so on. It is present in every document of identity, including birth certificate, mark sheets, ration card, voter ID, passport and so on. A number of, in fact most of the spaces are strictly gender segregated such as toilets for men and women, security checks at malls, metros, airports, separate queues for men and women at public utilities, separate compartments in trains or separate seating in buses and other public transport. Crux of the matter is that in our day-to-day life gender is constantly present both in our minds and our interactions regardless of our locality, class or nationality.

**How is Gender assigned in our society** - In order to define or describe who is a transgender person, it is necessary to establish a basic understanding of what gender is and how and who it is determined by. To the question, how and by whom is this gender determined, we first need to understand that none of us are born with a gender, but gender is assigned to each one of us based on the kind of primary sexual characteristics that we are born with. it should be understood that this assigned gender at birth may or may not match the person's idea of their own gender as they grow up. As a result there would be those, who grow up with a sense of comfort and alignment between their 'felt' or own sense of gender and the gender assigned to them. There would be those whose own/inner sense of gender does not match the gender assigned to them. These would be persons who are 'transgender'. (India, Report of the Expert Committee on the Issues Relating to Transgender Community, MHRD, 2014)

Third gender once enjoyed good acceptance that went to the extent of reverence in Indian culture. They were believed to bring luck and provide special fertility powers. Ancient Hindu texts such as



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Vedas have a mention of eunuchs with both male and female characteristics. During the Mughal period, eunuchs enjoyed special status and played an important role in the court administration as royal guards. For centuries, they have performed on auspicious occasions like weddings and births by singing Badhai songs, or blessings for the young child or newlywed couple. However this status enjoyed but the third gender started dwindling during the colonial rule of the British.

### **Problems and Challenges-**

Third gender people, especially in India, have a variety of issues and problems. These communities have largely been excluded from effective participation in social and cultural life economy, politics and decision-making processes. Main reason of the exclusion seems to be the delay in the recognition of the transgender people as a separate or third gender. The lack of recognition has been the major hindrance that often prevented them from availing their civil rights in their desired gender. Reports of harassment, violence, denial of services, and unfair treatment against transgender persons in the areas of employment, housing and public sphere have been appearing in media from time to time. Main problems faced by the third gender community are as follows:

- 1. Cultural Identity:** Cultural practices, such as their involvement in rituals like bestowing blessings during childbirth or weddings, symbolize a profound historical connection with the socio-religious fabric of India (Nanda, 1999). Members of this community often occupy a dual status, experiencing both reverence and rejection. They are respected as custodians of cultural traditions in specific ceremonial contexts, yet they face marginalisation and exclusion in their daily lives (Reddy, 2005; Pattanaik, 2014). This duality creates a complex negotiation of identity, as the Third Gender community strives to balance the celebration of their cultural significance with the challenges posed by societal alienation
- 2. Educational Barrier:** Educational barriers refer to the systemic challenges and obstacles that hinder the access, participation, and success of marginalised groups within educational systems. In India, transgender individuals encounter significant obstacles, including widespread stigmatization, a deficiency in institutional support, and inadequate policy frameworks. Transgender students frequently face verbal and physical abuse, social rejection, and familial denial, which contribute to high dropout rates and limited access to higher education (Thachappilly, 2022).
- 3. Bullying and Abuse:** Studies have shown that hijras are often subjected to derogatory comments, physical harassment, and systemic neglect by peers creating an unsafe environment that discourages active participation in education (Das & Misra, 2020). The absence of institutional support significantly hindered many Third Gender individuals from concentrating on their academic pursuits or experiencing a sense of inclusion within the educational system. Consequently, numerous individuals were compelled to abandon their education, resulting in elevated dropout rates within this community
- 4. Drop Out Problem:** The dropout problem referred to the premature discontinuation of formal education by transgender individuals due to systemic barriers and social exclusion (Goel,2016). It



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has been identified that societal rejection and familial pressures often push transgender individuals out of educational institutions, forcing them into precarious livelihood options such as begging or prostitution.

**5. Discrimination in Housing:** Discrimination in housing encompasses the rejection and unequal treatment transgender individuals face when seeking housing. Landlords and housing providers often deny house on rent to transgender people because of societal stigma and fear of negative reactions from the neighbourhood (Kumar et al., 2022).

**6. Psychological struggle during adolescence:** Psychosocial struggle during adolescence refers to the emotional, cognitive, and social challenges that individuals face while navigating their identity and societal expectations. For transgender and Third Gender adolescents, these struggles manifest in various forms, including identity confusion, peer victimization, family rejection, and institutional discrimination (Arvind et al., 2021). The lack of safe spaces and affirming role models further exacerbates their struggles, increasing the risk of anxiety, depression, and suicidal tendency.

**7. Emotional Turmoil:** The combined impact of social stigma, discrimination, and insufficient awareness profoundly affects the emotional and mental health of the Third Gender community. Studies have shown that transgender individuals face elevated levels of depression, anxiety, and suicidal thoughts compared to other genders like male or female (Babu, 2023).

**8. Isolation and Loneliness:** Loneliness and isolation are profound consequences of social rejection, particularly among Third Gender individuals. Loneliness is defined as a subjective experience of feeling socially disconnected or do not have any meaningful relationships, whereas social isolation is identified as the objective lack of social interactions and support systems (APA, 2024). The imposition of solitude contributes to detrimental mental health effects, such as depression, anxiety, and reduced self esteem.

**9. Social Objectification:** Sexual objectification is a critical issue faced by the third gender community, where individuals are reduced to mere objects of sexual desire rather than being recognized as autonomous human beings. This phenomenon manifests through societal attitudes, media portrayals, and direct exploitation, reinforcing the marginalisation of transgender individuals (Hossain, 2022). Many members of the third gender community report experiences of unsolicited sexual advances, coercion, and abuse, exacerbated by legal and institutional failures to protect them

**10. Violation of Fundamental Rights:** Third gender community has so far been deprived of the fundamental rights available to the other two sexes i.e. male and female because of ambiguity in their identity and non-recognition of them as a third gender. They face problems in disclosing their gender identity which violates their constitutional rights of Right to Personal Liberty, Dignity, Freedom of expression, Right to Education and Empowerment, Right against violence, Discrimination and exploitation and Right to work. In spite of the detailed guidelines having been issued by the honourable Supreme Court of India, little has been done on ground.



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**11. Personal Issues:** Much like coming to terms with one's identity as lesbian, gay or bisexual, coming to terms with one's identity as a transgendered person often involves a tremendous inner struggle for self-acceptance. Personal issues include: a) Shame, fear, and internalized transphobia and homophobia b) Disclosure and coming out c) Adjusting, adapting, or not adapting to social pressure to conform d) Fear of relationships or loss of relationships e) Self-imposed limitations on expression or aspirations (Sarda & Mallikarjuna, 2018)

**12. Limited Employment Opportunities:** Third gender community has very limited employment opportunities as most of the jobs are confined to male and female sexes. Usually, no other option for gender is provided in the application forms except male and female. Therefore, transgender community, being a third sex, cannot even apply for most of the jobs.

**13. Problems in accessing basic amenities:** Third gender community have no access to bathrooms/toilets and public spaces. The lack of access to bathrooms and public spaces clearly depict the acute discrimination faced by third gender community in availing even the basic amenities. They face similar problems in prisons, hospitals and schools.

**14. High prevalence of illness and death at young age:** Due to the lack of proper employment opportunities, among several hideous measures that they resort to in order to earn money, many of them start working as sex workers which in turn has its own implications. For example, HIV rates are very high among the Hijra community. Statistics vary between 50 and 80%. Majority of them belonging to the age of 23, 24, 25, 26 years are dying of diseases or suicide. No counselling services are available to them at present.

**15. Police Suspicion and Civil rights Violation:** They are treated as even more suspicious persons by police in the wake of any mishap. So far as criminal liability is concerned, third gender community cannot escape punishment when they are accused of committing crimes. The word "person" in the Indian Penal Code and General Clauses Act means all human beings. Persons who can be punished for committing offences include third gender community, though they are consciously deprived of their civil rights.

#### **Recommendations-**

Multifaceted problems faced by Third gender community necessitate a variety of solutions and a well thought out plan of action. Some immediate steps should be taken such as introducing transgender-specific social welfare schemes. Also there is a need to take long-term steps like changing the negative attitude of the people and increasing database about this community. The required changes need to be reflected through appropriate policy measures and amended legal framework to ensure their welfare. Key recommendations include the following:

**1. Making it mandatory to mention the choice of Third gender in various forms:** The discrimination against third gender community stems from the practice of recognizing and providing only for the male and/or the female sex. This gets reflected in prescribed forms for applying for various privileges, facilities, jobs etc. as these do not reflect that a person may belong to a gender,





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other than male or female. This problem can be tackled by making it mandatory to mention the choice of third gender, other than male and female, in all kind of forms whatsoever. It should be done on priority basis.

**2. Special Census:** There is a need to conduct special census for enumeration of the third gender community so that their exact number may be estimated and measures may be taken for their rehabilitation, education and employment.

**3. Special enrolment drive:** There is a need to organise a special enrolment drive for third genders as their level of literacy remains lower than the other two genders. A considerable portion of their population is in the age group of 0-6 years. If they can be facilitated for getting education at this age, chances of their going for their traditional occupation of seeking alms can be reduced.

**4. Adding a separate Schedule to the Constitution:** Constitution of India provides for social equity which empowers the legislatures to make special provisions for disadvantaged sections of the society such as scheduled castes, backward castes, women and children. On the lines of aforementioned groups such as providing reservation in education, elections and employment both in the public and private sectors. There is a need to make special provisions for third gender community which should be done by adding a separate schedule in the constitution to ensure compliance. They need to be empowered and uplifted by providing free higher education and vocational training. This will go a long way in making them self-reliant and upgrade their status in society so as to promote their acceptance in society.

**5. Pan India flagship programme:** A pan India flagship programme for the upliftment of third gender community should be planned and implemented in mission mode in which third genders should have adequate representation and participation in decision-making process.

**6. Providing Proper Medical Facilities and Health Insurance:** “A study conducted in a Mumbai STI clinic reported very high HIV prevalence among Hijras. Since third gender community is prone to health risks and setbacks, they need to be provided proper medical facilities, including health insurance and clinics, where free or subsidized treatment should be made available.

**7. Abolition of Bonded labour to their Gurus:** Eunuchs are forced by their ‘gurus’ to lead a life of servitude and bonded labourers. State needs to ensure that the condition of eunuchs living as bonded labour be ended forthwith under the provisions of the Bonded Labour System (Abolition) Act, 1976.

**8. The word ‘rape’ should include all sexual crimes against the Third genders:** The word ‘rape’ in Section 375 of Indian Penal Code (IPC) should include all sexual crimes against women, men, children and third genders, as eunuchs are often the targets of some of the worst sex crimes, more so, if they happened to be sex workers.

**9. Mental Health counselling:** Move beyond focusing on individual-level HIV prevention activities to address the structural determinants of risks and mitigate the impact of risks. For example, mental health counselling, crisis intervention (crisis in relation to suicidal tendencies, police harassment and arrests, support following sexual and physical violence), addressing alcohol and drug abuse, and connecting to livelihood programs all need to be part of the HIV interventions.



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**10. Sensitization of health care providers:** Health care providers should be sensitised in providing health care services (including STI and HIV-related services) to Third genders as well as develop and monitor implementation of guidelines related to gender transition and sex reassignment surgery (SRS). The absence of free or affordable SRS and cross-sex hormonal therapy in government hospitals is a central challenge for transgender people seeking gender transition-related services. Study findings suggest that lack of explicit hospital policies that allow SRS coupled with moral positions taken by healthcare providers toward these procedures might also contribute to the failure of government hospitals to routinely offer these services.

**11. Implement stigma and discrimination reduction measures on the lines of Untouchability act:** Implement stigma and discrimination reduction measures at various settings through a variety of ways like mass media awareness for the general public to focused training and sensitization for police. As a part of anti- harassment provisions, strict measures should be taken on the lines of accountability act. There is a need to inculcate a sense of belongingness for which steps need to be taken for mainstreaming them by providing special provisions for education and employment and strict measures should be taken to mitigate harassment.

**12. Participation in Decision making regarding their Rights:** Develop action steps toward taking a position on the constitutional recognition of gender identity of third gender community need to be taken in consultation with Third gender activists, representatives and other key stakeholders. Getting legal recognition and avoiding ambiguities in the current procedures that issue identity documents to third genders are required as they are connected to basic civil rights such as access to health and public services, right to vote, right to contest elections, right to education, inheritance rights, and marriage and child adoption.

**13. Safe Shelters along with Training Programmes:** Open up the existing Social Welfare Schemes for needy third genders and create specific welfare schemes to address the basic needs of third genders including housing like orphanages and start training programmes to fulfil their employment needs.

**14. Special Competitions:** Just like Paralympics, special competitions should be organised for third genders from the grass-root level to the highest level to develop the sense of meaningful participation and boost their self-esteem. We need to understand and accept that humans are diverse. People have the right to be what they are and what they want to be, with dignity. For third gender people, the same holds true. It is the duty of the state to ensure minimum standards of living for them. Everyone has a role to play in making the life more meaningful pursuit to the Third Gender as well.

**15. Need for empathetic perception:** The common people must understand that everyone should have empathy for the Third Gender community. They are also a part of the society and deserve to lead a life of dignity and fulfilment.

#### **Conclusion -**

The social stigma of the Third Gender community still remains a serious concern for the Indian society. The Third Gender struggles to reconcile their physical visibility with the perception of the society. However, India must repeal current discriminatory laws and enact equal opportunity



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legislation on the basis of gender and sexuality. There is an urgent need to transform and include this community as a part and parcel of society.

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