

Indian society and position of third gender: A comparative study of past and present scenario

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Abstract

Now a days the modern Indian society is talking so much about the rights and the position of third gender people. Whereas, the third gender people already occupied an important place in the ancient Indian society. India is a land of different religions and culture and Hinduism is largely practiced in India. According to the Rig Veda in Hindu mythology three types of genders has been considered: Male that is Purush, Female that is Prakriti and third gender that is Tritiya Prakriti. Also their contribution towards the betterment of society is quite evident from the stories of two main epics of India that is Ramayana and Mahabharatha. It is in recent times that the modern Indian society considered them as third gender otherwise there was no such identity given to them legally. Still all is not well and the third gender people are struggling to be a part of the civil society. A drastic change has taken place as far as their position in modern society is concerned as compared to the ancient times, social exclusion can be seen and felt by looking at their living standards and daily activities. Through this article the author wants to analyze the whole process of transition from, third gender being an important part of ancient Indian society to again becoming an issue of disrespect and fighting for their peaceful and dignified existence in the same society to gain their identity back.

Keywords: ancient India, third gender, Hinduism, mythology, legal identity

Introduction

The third gender people belongs to a category of persons who are neither considered as male nor as female. They may appear more like a man but feel like a woman and even dress like them similarly the other people might appear more like a female n feel like a man and even dress like that. Even they may have a different or no sex organ as conformity to their body. Third gender is basically a gender identity. While understanding the concept of gender it is necessary to note that gender is a state of mind. A person born like a male might feel like a woman and vice versa these people are known by various names in India like hijras, eunuchs, aravanis, kothis, jogaapaas etc ^[1].

Hindu Mythology and Vedas

The word Veda has roots in "vid" which means to know, therefore the term veda signifies knowledge. The Vedas are four in number; of these the Rig-Veda is the oldest, next in order was the Yajur-Veda, then the Sama-Veda, and last of all the Atharva-Veda. Each of these Vedas consists of two main parts: a Sanhita, or collection of mantras or hymns; and a Brāhmana, containing ritualistic precept and illustration, which stands in somewhat the same relation to the Sanhita as the Talmud to the Law. These are the most sacred scriptures of Hinduism a collection of texts written in Sanskrit from about 1200 BCE to 100 CE. The instruction contained in these writings is said to have been breathed forth by God Himself ^[2].

The concept of Ardhanareeshwar

In Indian mythology Ardhanareeshwar is a well-known Hindu deity. Ardha means half, Naree means woman and ishwar means the Lord. A Lord who is half woman and half man. Ardhanareeshwar is a combination of Lord Shiva and Shakti. Shiva has been considered as destroyer whereas Shakti is the

creator. Lord Shiva has been given a supreme place in Indian Mythology that is why he is also called as Maha Deva. Almost every Indian worship the Lord Shiva. The concept of Ardhanareeshwar explains that every human being is half man and half woman.

It is ironical to see that on the one hand people worship this god with such a great devotion and on the other hand we cannot even give respect and love to his own creations.

It is today that science has proved that every human being is half man and half woman, whereas, the vedas and puraans witten centuries ago have already established the same fact which the science has done now ^[3].

Ramayana and Mahabharatha: Role and Contribution of the Third Gender People

Before quoting few incidents of role and contribution of third gender people in "Ramayana and Mahabharata", the two main epics of India, it is needed to know the importance of these two epics as far as the present legal system is concerned.

An incident from Ramayana shows that present day laws are well based on the ancient legal principles While Ravan the king of Lanka took away Sita against her will, Hanuman the ambassador of King Ram went to Ravana with a message from king Ram on hearing this Ravana got angry and immediately ordered to kill Hanuman. Bhibhishan, Ravan's brother, alerted him and reminded him that as per law we cannot put him to death. He explained him that an ambassador speaks on behalf of his king, he is not the one who is good or evil for that matter. He just delivers the message and he is separated from the content of the same therefore he is never liable to death penalty ^[4].

Mahabharata and Role of the Third Gender People

In India Mahabharata has been considered as an ancient law, what we call today as public International law has derived its

concepts from Mahabharata. For example the immunity rights enjoyed by ambassadors ^[5].

It was forecasted that in order to win, the Pandawas must sacrifice their best man. Aravan, who was son of Arjun and Nagkanya and agreed to offer himself for sacrifice, the only request he made was to get married before that and to consummate his married life. But no women agreed to get married to him knowing the fact that he is going to die after the marriage. Then Krishna turned himself to a woman named Mohini and married him. Transgender are said to have born from his lineage. That is why TG's or Hijras are also known as Aravanis ^[6].

There is another interesting story again from Mahabharata to mention here, during the war at Kurukshetra between Kauravas and Pandawas Krishna suggested to Pandawas that in order to win, Bhishma Should get killed as he was the one who had the power of deciding the day of his death, also as long as he is armed nobody could have killed him, so Krishna suggested that he will for sure surrender his arms before a female. On this another special character of Mahabharat, Dristidumnya reminded him of Shikhandi whom he considered as his elder brother who was born as a woman. Shikhandi was born as a girl but brought up like a boy as it was told to her father, at the time of her birth that one day she is likely to become a man. Shikhandi got married too but when his wife realized that he is not a man she left him and returned to her father who in turn ordered the destruction of the whole city from where Shikhandi belonged to. Shikhandi felt herself responsible for all this and wanted to kill herself then Yaksha Sthunakarna looking at her plight gave her his manhood for one night so that he can consummate his marriage. At this Kuber the king of yakshas got angry over it and cursed him that he will never get his manhood back as a result of this shikhandi remain a man till this moment. Krishana knew that shikhandi was a woman in her previous life name Amba, who was abducted by Bhishma against her will to get her married to his brother, vichitraviya (a name for odd manliness). She cried to let her go and marry her lover. He left her, but the lover could not accept her. It is at that moment she prayed to Shiva to make her a reason behind Bhishma's death and Shiva blessed her.

On the day of battle Krishna decided to put her on his chariot followed by Arjun. Seeing this Bhishma shouted it is Adharma to bring a woman to battle field, then Krishna asked him was not abducting a female against her will Adharma. Bhishma refused to fight with a woman and then Krishna asked Shikhandi to blow arrows on him and got him killed. Krishna explained that it was all required for the protection and establishment of Dharma ^[7].

These instances shows that the third gender people's contribution towards establishment of Dharma and betterment of society cannot be easily ignored

Ramayana and Role of Third Gender People

Many of us in the modern society know that these people are there to dance in the marriages or shower blessings at the birth of a child. Also, we have seen them clapping in the trains asking for the money, begging at the traffic signals. Whereas, they acquired a special place in ancient Indian society. As far as the story behind offering blessings are concerned we have to look back to history and we will find that how they got this power of blessing from the Hindu God

Ram. It was when Ram Sita and Laxman were leaving Ayodhya for the vanvass, the Ram's followers were not ready to leave him and decided to follow him where ever he goes. Ram told to his followers "I request all men and women to please go back". It is then when these third gender people did not stop following him even after his request and said we are neither men nor women and hence your instruction can not bound us. Looking at their devotion Bhagwaan Ram blessed them with the power of showering blessings to the people ^[8].

Mughal Period

During Mughal period the hijras enjoyed especial places in the royal courts as advisors, they were considered as most trustworthy and safe that is why they were the main protectors of harems where the queens used to live. Not only this in religious places also they occupied an important place ^[9].

Also the story of Malik Kafur is very popular as far as Mughal period is concerned. He was a hindu eunuch and a slave who was bought by Allauddin khilji. Slowly he became so much fond of him that he was holding higher ranks. He was a brave warrior too who brought name fame to Allauddin Khilji. Also won various places for him. A prominent eunuch was Malik Kafur, who concurred the entire Deccan for Delhi sultan Alauddin Khilji ^[10].

British Colonial Rule and Starting Point of Disrespect and Hatred for TG Community

With the down fall of the Mughal Empire and the rise of British Empire hijras life became vulnerable. From a respected position to labeling them as criminals. They criminalized their daily activities like the way of dressing, dancing in public. Also the land given to they were taken back through British Legislation as it was not inherited through blood relation. British rulers not only denied civil rights for third genders but also criminalized the whole TG community. Then came The Tribes Act 1871, according to which castrating children, dressing like woman, dancing in public all were crime and punishment for the same was up to two years of imprisonment and a fine or both ^[11].

TG community in Present scenario

After a lot of struggle and continuous efforts of various NGO's now these people recently got legally recognized by the Supreme Court of India. On 15th April 2014 Indian Supreme Court in National Legal Service Authority v. Union of India and others recognized transgender as "Third Gender", and a lot is still required to be done for them there are various stories of plight of these people, most painful of them is the social exclusion. When such children are born they are abandoned by their parents they either disown them or leave them with already existing group of TG people. These children are thus deprived of education and a normal upbringing rather they leave with other elder people of the same community separately from the mainstream society and they also follow the same practice as thought to them by these elders. Instead of going to school and learning ethics they are forced to learn their traditional practices like clapping and begging, going to the marriages and performing their, going to people's places on the occasion of Child birth.

Not only are this many of them forced in to prostitution. Due to social unacceptance they do not have proper access to health care services as well. Also the new bill that is yet to

become law, The Transgender persons (Protection of Rights) Bill 2016 is getting delayed which affects the rights of such people.

Number of rights and provisions have been made under the said bill for the betterment and protection of interest of the community but this will be possible only when it is passed with immediate effect. Delay in making legislation will affect their rights and for everyone time is precious so for them as well.

Among all other social rights, transgender right to health care is a major concern in Indian Society. Situation is so vulnerable that in one incident a transgender died just because the doctors could not decide whether that person should be admitted to male or female ward. A transgender rape victim is asked embarrassing questions and not attended properly by the doctors. In India, the proportion of transgender who are involved in sex business is about 90 percent, hence they are more prone to deadly diseases like HIV and AIDS.

Third Gender People No Less Than a Common Person

Madhu Bhai Kinnar

Made it to the news when she won the election and became mayor of Raigarh in State of Chhattisgarh. Once expelled from the family because of her gender identity is now not only accepted by the family but by the large section of people who showed faith in her and elected her as their mayor. Now she is pratham nagrik of Raigarh ^[12]. This shows that if given opportunity as others they no less than anyone.

Laxmi Narayan Tripathi

She is the one who is in news for all the good reasons for her courage to speak to fight for the rights of transgender people. Laxmi Narayan Tripathi was the first transgender person to represent Asia Pacific at UN and has represented her community and India on several international platforms including the world AIDS conference in Toronto. She has even written a book named "Me Hijra, Me Laxmi" ^[13]. She is mostly known as a social activist and has secured an important place in society here the author means mainstream society. Now here comes the question as to what is difference between her and the rest of people belonging to her community? She is educated, she is courageous, she knows her right and thus doing well for herself as well as for the society. She has a post graduate degree in Bharatnatyam. Above all she was never abandoned by her parents. But everyone from her community is not that strong. Hence it is the duty of the mainstream society to pull them up from the dirt and support them by giving love and respect. By giving access to education. Why only few of them should be strong and stable, let's make most of them like that.

Transgender and a Proud Mother

Gauri Sawant

(Transgender woman) a name that recently got highlighted when she featured in an advertisement of P&G product Vicks. the advertisements shows that even a transgender woman can be a loving and caring mother. Gauri Sawant, a social worker said that she was expelled from her family at the age of 18 years and never accepted her back. She adopted a girl child name Gayatri after her mother died. Gyatri tells her story how she and her "mummy" developed a great bond between them and also asks the question "everyone is entitled to basic

rights. then why is my mom denied them? that is why. I will become a lawyer. for my mom" ^[14]. Gauri Sawant also expressed that " we also wants to be educated and go to work raise children"

Desire to Be a Part of Mainstream Society

The third gender people wants to be a part of mainstream society, and finding it very difficult due to rigid nature of the people as they exclude them because of their appearance and lifestyle. There are very few people among them who have leadership qualities but when it comes to complex issues they are also not able to handle them.

Housing and employment are the biggest challenge this community face very frequently. they have no financial literacy and mainly earn through begging or prostitution and expenditure is mainly on liquors as they are mentally not happy with the kind of life they are living thus they depend on such things to relax themselves. Due to dilution in *dera* system many TGs were living alone but they are being highly exploited physically and financially abused by their male partners.

Legal Recognition A Hope For Better Future

The condition of the third gender across the world varies as different parts of the world practice different cultures and to follow different norms and traditions. The present scenario of the lives of the people of this community is unacceptable and in some cases pitiable but again there are a few countries that are moving towards providing them with equal status and recognition in the society for proper and dignified survival and India is one of them.

"In a landmark judgment, the Supreme Court created the "third gender" status for hijras or transgender. Earlier, they were forced to write male or female against their gender. The SC asked the Centre to treat transgender as socially and economically backward. The apex court said that transgender will be allowed admission in educational institutions and given employment on OBC quota.

The SC said absence of law recognizing hijras as third gender could not be continued as a ground to discriminate them in availing equal opportunities in education and employment. This is for the first time that the third gender has got a formal recognition.

The apex court also said states and the Centre will devise social welfare schemes for third gender community and run a public awareness campaign to erase social stigma. The SC said the states must construct special public toilets and departments to look into their special medical issues. The SC also added that if a person surgically changes his/her sex, then he or she is entitled to her changed sex and cannot be discriminated. The apex court expressed concern over transgender being harassed and discriminated in the society and passed a slew of directions for their social welfare. The apex court said that transgender were respected earlier in the society but situation has changed and they now face discrimination and harassment." ^[15]

Conclusion

As compared to past the present situation of third gender people is vulnerable. Earlier they were given importance in the society. They even occupied prestigious place in the society. They hold higher ranks in the administrations. They

were very close to kings and queens. Earlier they were strong in terms of respect, identity and possessions as well. Now a days they are the most neglected part of the society and they had to fight a long battle to regain that importance and respect. Now a little change can be seen in the conduct of the mainstream people towards them who are also fighting for their rights. As a result of this laws are being framed so as to provide them better living conditions. Better late than never, at least the TG community in India are hoping some good for their future.

If these people get proper access to education and employment opportunities they can not only make their future bright but also they can contribute towards Nation building. Government should come up with compulsory education and employment schemes for them.

Strict and immediate steps should be taken to save them from odd jobs like sex workers, begging etc. Health care services should be easily available to them. Last but not the least love and care is the requirement of every human being which makes a person confident and strong to face the social difficulties lets love them and make them one among us.

People like Madhu Kinnar, Laxmi Narayan Tripathi and Gauri Sawant have shown that if given opportunity they are no less than anyone.

Well Indian Judiciary has given them equal status and even government has introduced a bill for their betterment still the society has to do a lot for them it should not the law by which we are compelled to accept them but it should come from our hearts.

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