



Research Paper

## A Sociological Study of Third Gender Community in India: Special reference to Mysore District of Karnataka

Dr.G.K.Venugopal

Assistant Professor of Sociology  
Sri Mahadeshwara Government First Grade College,  
Kollegal – 571440  
Chamarajanagara District,  
Karnataka

### Abstract

The Indian Transgender community includes persons with a variety of gender characteristics and sexual orientations, forming a culturally distinctive gender group. Although these communities have existed for ages within Indian society, Transgender have been defamed and downgraded to a large extent. Such defamed may compromise the mental health of Transgender possibly giving rise to various mental health issues. The socio-cultural aspects of Transgender have frequently been the issue of research by criminologist and sociologists. Transgender people face several forms of domination. According to census report 2011, beggars, sex workers and eunuchs were incorporated and enumerated under the category "Others" for the first time. Clearly, in the absence of inventory, little efforts could be made for their rehabilitation, education and employment. This paper throws light on the present condition of third gender in terms of its social deprivation. The discussion is limited to the issues of third gender which includes eunuchs, hermophrodites, Shiv-shaktis, Aradhis, Sakhis, Hijras, Kothis, Jogtas/Jogappas, Kinnars, Khusras etc. The problems faced by Third genders debated in this paper include discrimination, lack of educational facilities, lack of employment opportunities, lack of shelter, lack of medical facilities etc. It is anticipated that the key suggestions registered in this paper will draw the attention of policy makers and necessary steps will be taken for the welfare of Third Genders.

**Key Words:** Third Gender, Transgender community, discrimination, unemployment, exploitation.

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### I. Introduction

India is the second largest 7<sup>th</sup> largest and 2<sup>nd</sup> most populous country in the world. At the same time India is one of the most religiously and conventionally diverse nation in the entire world. Hence, India has a very long history of its own which reflects the customs and usages that prevailed during that time and the interesting part is that those customs and traditions is still prevalent in this contemporary world. The very concept of Hijras and other Transgenders in India is not a new concept; they have been recognized in our ancient history as well. Transgender Community comprises of Hijras, Eunuchs, Kothis, Aravanis, Jogappas, Shiv-Shakthis etc. and they, as a group, have got a strong historical presence in our country in the Hindu folklore and other religious texts. The literature named Kama Shastra the ancient Hindu text in which they have been referred as 'tritiyapakriti' or third gender has been an integral part of vedic period and puranic literatures, it categorises men who desire other men as a 'third nature'. The word 'napunsaka' that is to say has been commonly used to denote the absence of procreative capability of a person. 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.

### II. Brief Historicity of Third gender in India

#### Transgender during Vedic Period:

During the Vanavasa Period, Lord Rama, was leaving in the forest upon being expelled from the kingdom for 14 years, turns around to his followers and asks all the 'men and women' to return to the city. Among his followers, the hijras alone did feel bound by this direction and decide to stay with him. Impressed

with their loyalty, Rama sanctioned 'Hijras' the power to converse blessings on people on auspicious occasions like child birth and marriage, and also at inaugural functions which, it was supposed to set the stage for the custom of badhai in which hijras sing, dance and convene blessings.

#### **During Moghal Period**

Mughal Period Hijras played a famous role in the royal courts of the Islamic domain, particularly in the Ottoman empires and the Mughal rule in the Medieval India. They rose to topmost positions as political advisors, administrators, generals as well as guardians of the harems. For instance, MalliKaufera eunuch was the commander for the Allauddin the great mogul ruler.

#### **British Period**

In the beginning of the British period in Indian subcontinent Hijra used to accept protections and benefits by some Indian states through entry into the hijra community. Furthermore, the benefits incorporated the provision of land, rights of food and smaller amount of money from agricultural households in exact area which were ultimately removed through British legislation as because the land was not hereditary through blood relations.

#### **Onslaught of Hijras Under the Colonial Rule**

Through the onset of colonial rule from the 18th century onwards, the situation changed significantly. Accounts of early European travelers showed that they were disgusted by the sight of Hijras and could not comprehend why they were given so much respect in the royal courts and other institutions. The Criminal Tribes Act, 1871, this included all hijra who were concerned in kidnapping and vasectomizing children and dressed like women to dance in public places. The punishment for such activities was up to two years' imprisonment and a fine or both.

#### **Current Status of the Third genders in India**

In a path-breaking judgment, the Supreme Court has acknowledged the constitutional rights and freedoms of third gender persons, including those who identify as third gender and those who identify in a gender opposite to their biological sex.

#### **What Supreme Court defines on Equality?**

National Legal Services Authority's reasoning rests on two broad strands of human rights: freedom and equality. Underscoring the right to personal autonomy and self-determination under Article 21, the Top Court observed that "the gender to which a person belongs is to be determined by the person concerned".

#### **Population Statistics of Third Genders in India**

According to 2020, a survey has been conducted by the Ministry of Social Welfare Department. The official count of the third gender in the country is almost 4.9 lakh. The third gender activists estimate the numbers to be six to seven times higher, but they are thrilled that such a large number of people identified themselves as belonging to the third gender.

#### **State-wise Population of Third Gender:**

The highest population of the third gender was acknowledged in Uttar Pradesh i.e. about 28%, shadowed by Andhra Pradesh i.e. 9%, Maharashtra and Bihar both had 8-8%, both Madhya Pradesh and West Bengal had over 6% and well over 4% in Tamil Nadu, Karnataka and Odisha. Rajasthan accounted for over 3% of the total third gender population and Punjab for 2%. In Haryana, number of third genders is estimated to be 8422 and their literacy rate is 62.11%, as per the census of India. Out of it 1107 are in the age group of 0-6 years (2011 Census Report).

#### **Statement of the Problem**

In India, reports of harassment, violence, deprivation 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. Due to the lack of proper employment opportunities, among several hideous measures that they start working as sex workers in order to earn money, 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. Third gender community have no access to bathrooms/toilets and public spaces. The lack of access to bathrooms and public spaces clearly depicts the acute discrimination faced by third gender community in availing even the basic amenities. They face similar problems in prisons, hospitals and schools. "A study conducted in a Mumbai STI clinic reported very high HIV prevalence of 68% and high syphilis prevalence of 57% among Hijras. In Southern India, a study documented a high HIV seroprevalence (18.1%) and Syphilis prevalence (13.6%) among Hijras." (India, UNDP, 2010).

#### **Objectives of the Study**

The main objectives of the study are

1. To examine the abuse of Fundamental Rights of Third Gender communities.
2. To evaluate the Employment Opportunities of the Third Gender communities.

3. To assess the Health Problem of Third Gender Community.
4. To analyze the Cultural Rejection of the Third Gender Communities.
5. To understand the policy and programs for the upliftment Third Gender Communities.

### **Hypothesis of the Study**

The following are the major hypotheses of the present study

1. Third Gender Community members are very backward and poor.
2. Third Gender Community member's innocent and illiterate

### **Methodology of the Study**

The study is based on both primary and secondary data. The primary sources material relates to the field survey conducted in the month of June 2022 through interview schedule in Mysore City, Karnataka. In order to easy my study 50 third gender community members were selected on the basis of Random Sampling Method. Informal discussions were also made with the officials of NGOs. The secondary data was collected from the Magazines, Journals, Periodicals, Daily Newspapers, etc

### **Issues and Challenges of Third gender people:**

Main evils faced by the third gender community are as follows:

**1. Abuse of Fundamental Rights:** Nearly 75% of the respondents consisting of 37 third genders claim that they face problems in disclosing their gender identity which violates their constitutional rights of Right to Personal Liberty, Dignity, Freedom of expression, and Empowerment. They also claim that there is right against violence, Discrimination and exploitation and Right to work.

**2. Dispossessed of citizenship rights:** 90% per cent of the third gender community members consisting 45 members out of 50 members feels that they are deprived of the right to contest election and right to vote in the assembly and parliament elections. Legal experts point out that, denial of political rights are treated as a legal non-entity in violation of Article 14, 15, 16 and 21 of the Constitution of India.

**3. Inadequate Employment Opportunities:** Three fourth of the respondents who are consisting of 37 respondents out of 50 third gender community revealed that third gender community has very limited employment opportunities as most of the jobs are confined to male and female sexes. They lamented that due to the inadequate employment opportunities most of the community members rely on begging and alms seeking. 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.

**4. Social and Cultural Rejection:** Nearly 90% per cent of the third gender community members consisting of 45 revealed that due to their physical inferiority they have to face social and cultural exclusion. Majority of the third gender community members said they have been ignored by other family members and society. Hence, they have restricted right to marry or adopt children like other members of the society.

**5. Lack of Medical Facilities:** 50% per cent of the third gender community members consisting of 25 third genders reveal that they are suffering from various sexual transmitted diseases. Due to their physical exclusion, they have been restricted access to health services like HIV care and hygiene, depression, hormone pill abuse, tobacco and alcohol abuse and physical torture by their mentors.

**6. Limited Access to Educational Establishments:** 60% per cent of the respondents consisting of 30 third genders said they have limited or very much restricted access to educational establishments like kinder schools, schools and colleges. Hence they demand there should be a special provision for special entry for their kids in to the educational institutions.

**7. Violation of Human Rights:** Third genders face the problem of abuse of human rights. Nearly 95% per cent of the third genders consisting of 45 respondents disclosed that they are facing the problem of violation of human rights. They lamented that various rights such as obtaining passport, driving license, ration card, identity card and for other things they have been rejected, shooed away like petty thief's. It is the gross violation of human rights.

**8. Low Literacy Level:** Three fourth of the third gender community members consisting 38 of the respondents responded them they do not any have access to any sort of formal education. The census data 2021 also discovered the low literacy level in the community, just 46%, compared to 74% literacy in the general population. They say due to their non-encourage from other citizens there is low literary rate among them.

### **Suggestions to improve the lives of Transgender:**

- a. **Mandatory to mention the choice of Third gender in various application forms:** The discrimination against third gender community emanates from the practice of recognizing and providing only for the male and/or the female sex members. This problem can be undertaken by making it mandatory to mention the choice of third gender, other than male and female, in all kind of forms whatsoever.

- b. **Innovative program to be implemented:** Innovative and interesting programs for the upliftment of third gender community should be planned and implemented in a systematic manner. This helps the third genders to participate adequately, and represent themselves in decision-making policies.
- c. **Guaranteeing Medical Facilities and Health Insurance:** Studies have proven that third genders are very much prone to health risks like HIV, AIDS and other venereal diseases. Hence third genders need to be provided with proper medical facilities, including health insurance and free medical checks. Government must offer them with at least subsidized treatment should be made available to the third genders.
- d. **Elimination of Bonded labour to their Mentors:** Studies have proven that third genders are forced by their 'gurus' or 'mentors' to lead a life of servants and bonded labourers. Karnataka State needs to ensure that the condition of third genders living as bonded labour be ended forthwith under the provisions of the Bonded Labour System (Abolition) Act, 1976. At the same time, it is the responsibility of the state police to raid certain illegal dens of so called mentors where third genders are working as bonded labours.
- e. **Mental Health counselling:** It is the responsibility of the state to provide counselling for the suffered third genders. A special ward can be reserved for the third genders in the NIMHANS, Bangalore, it may provide a required counselling for the deprived unfortunate third genders.
- f. **Safe Shelters along with Training Programmes:** Third Genders are normally driven away by their own family members and are rejected by the society. Hence government must open Safe Shelters all the taluk and district head-quarters, so that they can lead a dignified life. Subsidized food may be provided in this safe shelter houses. This may help the third gender to have a safe and protected a life.

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