

DOI: <https://doi.org/10.53032/tcl.2016.1.5.02>

The Study of Third Gender

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Abstract

The broad division of the ruling class and those who are ruled exist in the society. The ruling classes draw their own definitions and delineate the society according to their interests. Every society has a social standing point. When a community, caste, class, group stand below a standing point, it makes them marginals. Disorder in the biological birth leads to discomfort and develop a feeling of inappropriateness in the gender role of that particular sex. *Biological Gender (sex)* includes physical attributes such as external genitalia, sex chromosomes, gonads, sex hormones, and internal reproductive structures. At birth, it is used to assign sex, that is, to identify individuals as male or female. *Gender* on the other hand is far more complicated. It is the complex interrelationship between an individual's sex (gender biology), one's internal sense of self as male, female, both or neither (gender identity) as well as one's outward presentations and behaviours (gender expression) related to that perception, including their gender role.

Keywords: Third gender, Sex, Marginal, Constitution, LGBTQI, Transgender

Introduction

The word gender has been used since the 14th century as a grammatical term, referring to classes of noun designated as masculine, feminine, or neuter in some languages. The sense 'the state of being male or female' has also been used since the 14th century, but this did not become common until the mid 20th century. Although the words gender and sex both have the sense 'the state of being male or female', they are typically used in slightly different ways: sex tends to refer to biological differences, while gender refers to cultural or social ones. Gender discrimination is very common in the society. Gender is a term borrowed from linguistics; which means categories of masculine or feminine or neuter. The word gender and sex should not be understood as the same. Sex refers to the biological birth and where as gender refers to the work and characteristic of men and women associated with the sex. Disorder in the biological birth leads to discomfort and develop a feeling of inappropriateness in the gender role of that particular sex. *Biological Gender (sex)* includes physical attributes such as external genitalia, sex chromosomes, gonads, sex hormones, and internal reproductive structures. At birth, it is used to assign sex, that is, to identify individuals as male or female. *Gender* on the other hand is far more complicated. It is the complex interrelationship between an individual's sex (gender biology), one's internal sense of self as male, female, both or neither

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(gender identity) as well as one's outward presentations and behaviours (gender expression) related to that perception, including their gender role. Together, the intersection of these three dimensions produces one's authentic sense of gender, both in how people experience their own gender as well as how others perceive it. Sexologist John Money introduced the terminological distinction between biological sex and gender as a role in 1955.

There are several forms of gender that exists: it is labelled as LGBTQI. This LGBTQI denotes several genders such as; lesbian, gay, bisexual, transgender, queer and intersexual. Lesbian is for female attracted towards other female. Gay is for a male attraction for a male. Bisexual is male and female attraction. Transgender person who lives as a member of a gender than that expected based on anatomical sex. Sexual orientation varies and does not depend on gender identity. Queer stands for unnatural aspects of gender. One of the important oppressed groups among the marginal is 'Eunuchs'.

This marginal group is addressed by various names as: Kinnars, Hijras. Eunuchs are the less empowered group in the society. It is difficult for them to categorize themselves, they are neither male nor female and there is no place for neuter or third gender. They define the meaning of the main stream and the margins. They are the important part of society as any other human being. Hijras have been thrown centre-staged as the most marginalized segments of the society. They are the most disempowered segments of the society. In our society we speak the languages of right but do the marginalized have access to this right? The marginalized have to suffer the life of comprise. . Unfortunately, the Eunuchs are the part of society and it is the society that makes them marginal.

The structure of the society is stratified. There are various levels and ladders. The broad division of the ruling class and those who are ruled exist in the society. The ruling classes draw their own definitions and delineate the society according to their interests. Every society has a social standing point. When a community, caste, class, group stand below a standing point, it makes them marginals. Marginalization is a social process. It is brought, made and practiced by the society. In other words, it means relegating an individual or a community or even an entire class or confining it to a lower social standing or outer limit or edge of the social standing. They are forced to occupy the fringes and edges and not to be in the centre of the things. Marginalized people are not considered to be the part of the society. Material deprivation is the most common result of marginalization when looking at how unfairly material resources (such as food and shelter) are dispersed in the society. Along with material deprivation, marginalized are also excluded from services, programmes and politics. Ensuring poverty, psycho emotional damage, further it results to damage life, health, psyche etc. related with marginalization.

Problems of Third gender

Marginality is a matter of society and nation as it is related with history and politics. It is the responsibility of the society to look after every individual apart from any race, caste, class etc. We have to look into the discrimination made by the society, government on the part of the third Gender and help out in eradicating it from the society. How to develop love and respect for the eunuchs' in the society. How they are targeted for hatred, sarcasm and the reason for prejudices and fear and how people should get rid of prejudices and fear. The question now arises that where is the objective of Indian Constitution fulfilled in regard to the Eunuchs? The Indian constitution has certain objectives:

To provide social justice.

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To promote national unity and integrity.

To provide education to all children between age group 6-18, irrespective of caste, creed and gender.

To promote law and order.

To provide internal and external security.

To eradicate poverty.

To generate employment opportunity.

The problems related to the aims of Indian constitution in regard to Eunuchs are: What is the condition of Eunuchs in the society? Are they looked upon as the same as other genders. Do they avail the same facilities as provided to the other citizens? Are they benefiting the opportunity of fundamental rights? How to overcome the problems of the Eunuchs, and help out the eunuchs so that they could be included in the main stream. What are the mental conditions and situations that Eunuchs go through in the society? As they are different from two common genders, what are the needs and requirements? What actually they want from the society.

Tako Dabi, home minister of the north-eastern state of Arunachal Pradesh said; "In my humble opinion, if eunuchs are engaged in policing or paramilitary forces they would do a better service to the nation,"*1

Mr Dabi sent a letter to Indian Home Minister P. Chidambaram to offer his idea for the improved defence of the country.

"Why can't there be a separate regiment of eunuch community in our country?" he wrote in the letter. "This community would discharge their duties effectively on international borders if enough scope is created for them."*2

April 15, 2014 is a historical day. A humanitarian ruling was given by the Apex court of India. The Supreme Court recognized transgender persons as a third gender and affirmed their right to decide their own gender identity such as male, female or as third gender. The court held that non-recognition of gender identity violates the rights to equality and life to all citizens.

Even the verdict has come from the Apex Court, the question is of implementation. The mindsets of people are to be changed. The government as well as the private organization should come forward to adopt them, make important changes in education and health. Just because the Supreme Court has passed the law does not mean that everything is solved. A strict protocol has to be followed at the grass root level and at the implementation level. There has to be suitable responsiveness, receptiveness encouragement and infrastructure. The ground realities have to be changed. The declaration of the apex court should be followed.

(1) Hijras, Eunuchs, apart from binary gender, be treated as "third gender" for the purpose of safeguarding their rights under Part III of our Constitution and the laws made by the Parliament and the State Legislature.

(2) Transgender persons' right to decide their self-identified gender is also upheld and the Centre and State Governments are directed to grant legal recognition of their gender identity such as male, female or as third gender.

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(3) We direct the Centre and the State Governments to take steps to treat them as socially and educationally 110 backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments.

(4) Centre and State Governments are directed to operate separate HIV Sero-surveillance Centres since Hijras/ Transgenders face several sexual health issues.

(5) Centre and State Governments should seriously address the problems being faced by Hijras/Transgenders such as fear, shame, gender dysphoria, social pressure, depression, suicidal tendencies, social stigma, etc. and any insistence for SRS for declaring one's gender is immoral and illegal.

(6) Centre and State Governments should take proper measures to provide medical care to TGs in the hospitals and also provide them separate public toilets and other facilities.

(7) Centre and State Governments should also take steps for framing various social welfare schemes for their betterment.

(8) Centre and State Governments should take steps to create public awareness so that TGs will feel that they are also part and parcel of the social life and be not treated as untouchables.

(9) Centre and the State Governments should also take measures to regain their respect and place in the society which once they enjoyed in our cultural and social life.

Eunuchs in India and in other Countries of the World

In 1990, Dr. B.V. Subramaniam of the Surat Medical College wrote a paper based on his research on the making of a eunuch. "The study reported that most eunuchs in India were the result of forced castration. The method adopted for the surgery is crude, unscientific, threatening to the health of the patient and done in the most unhygienic conditions. The genitals of a normally born male baby are slashed off with a knife dipped in boiling oil. After dressing the wound, a nail with a string attached is tied to the waist and drilled into the stump, which would, with medication and time, begin to look somewhat like a female crotch."³

A case report of two eunuchs, from north India reports: "Young boys were allegedly kidnapped and kept under illegal custody for months together. After demoralization had set in due to prolonged confinement, surgery was done on their private parts and female hormones were given to the persons. The converted person were made to wear female garments and performed in groups as a female dancers and earned money while in captivity."⁴

The article 377 in India proves that Eunuchs are the part of the society. The real situation of the Third gender is pathetic and they adopt wrong means for survivals the other gender groups like; gay, lesbian, bisexuals have not to face the same problem as the Third gender because of their nature of genders is not reflected with their physical appearances and functions. Whereas, the Third gender cannot hide their clear reflections of nature and bodily appearances. They are easily recognized and have to face the torments of the society. This will help to get real scene of the eunuchs. It will further help to understand their status, position etc in the society, in India as well as on the world level.

As it is not only the problem of a particular society, third gender exists in all parts of the world. It will also help in implementation of good proposals in our country if made in other countries. What other reforms can be made for their betterment. As Shah Abdul Hannan noted, with reference to the Quran, "As long as Hijras are human...the objective of Shariah, which is to do justice to all

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humans, definitely applies to them.*⁵ Eunuchs functioned as political advisers to the emperors of China as early as the Chou period (c. 1122–221 BC) and continued as such under the Han, T'ang, Ming, and Sung dynasties, persisting almost until the end of the imperial regime. At times palace eunuchs became more powerful than the emperor and effectively ruled China. Eunuchs were used as court advisers and officials in Persia under the Achaemenids (559–330 BC). The Roman emperors Claudius, Nero, Vitellius, and Titus employed eunuchs as such, as did most of the subsequent emperors of the Byzantine Empire.

Transgender communities have existed in most parts of the world with their own local identities, customs and rituals. They are called baklas in the Philippines, berdaches among American Indian tribes, serrers in Africa and hijras, jogappas, jogtas, shiv-shaktis and aravanis in South Asia. The hijra community in India, which has a recorded history of more than 4,000 years, was considered to have special powers because of its third-gender status. It was part of a well-established 'eunuch culture' in many societies, especially in West Asia, and its members held sanctioned positions in royal courts.

Eunuchs as a Marginalized Group

Marginalisation is an erroneous practice of the society. It brings certain groups, classes, castes, genders at the edge of the society. They are deprived from the main stream. Not only from the main stream but also from the basic rights provided for each individual. The third genders are one of the important sections facing the trauma of deprivation. They have to face the problem ranging from legal to social and psychological. How they face the matter of gender justice and equality. Eunuchs have a heart wrenching life. They do have a quest for better life but it is a matter of failure. They have a precarious living by begging, dancing, and singing. Marginalized are deprived of their necessity (food & shelter). It leads to poverty and brings damage to life and health. Eunuchs often come upon on streets, trains, and many other places demanding money from people. If refused hijra may attempt man into giving money, using obscene gestures, profane language and even sexual advances. Denial of legal social justice hijras take on a magical persona that inspires fear and sometimes respect from mainstream. Hijras perform at weddings and at the birth of babies. These are intended to bring good luck and fertility. Although hijras are often uninvited, they come on their own, as a matter to earn their livelihood by performing at ceremonies. There is a superstitious belief that if a hijra is displeased, they may curse and bring bad luck and infertility for the family and individual. The hijras are looked as ones who have the power to bless goodwill and fortune. The negative side of these activities of hijra, sometimes brings problem for the family or an individual. The hijra take advantage of the belief of the special power and people get exploited by the hijras. They sometimes get adamant for heavy amount to be paid for their performance though they are uninvited, which sometimes is beyond the reach of the family or individual. We speak about equal right loud, but does this group have their access to right. They are turned out of the house. Families are not ready to accept them. Thus, they have no right over the property. They are compelled to live in their own group. They have to accept a 'Guru' and be loyal to them as chela. They address their group as 'Jamaat'. Eunuchs find their life quite unsecured them as chela. They address their group as 'Jamaat'. Eunuchs find their life quite unsecured. Legal scholar Upendra Baxi, in the foreword to the PUCL(K) report, says: "The dominant discourse on human rights in India has yet to come to terms with the

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production/reproduction of absolute human rightlessness of transgender communities.... At stake is the human right to be different, the right to recognition of different pathways of sexuality, a right to immunity from the oppressive and repressive labelling of despised sexuality. Such a human right does not exist in India.*⁶

The problems faced by the third gender people in India include:

1. These people are shunned by family and society alike.
2. They have restricted access to education, health services and public spaces.
3. Till recently, they were excluded from effectively participating in social and cultural life.
4. Politics and decision-making processes have been out of their reach.
5. Transgender people have difficulty in exercising their basic civil rights.
6. Reports of harassment, violence, denial of services, and unfair treatment against transgender persons have come to light.
7. Sexual activity between two persons of the same sex is criminalised, and is punishable by incarceration.
8. The society should not forget that the eunuchs or hijras are an integral part of all societies.

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