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A Comparison of the Hijra Transgender's Social Status Between the Mughal Empire and the Post-colonial Era

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Abstract: The Hijra population has been suppressed and discriminated against in India on multiple levels of social life. However, this stigmatization toward hijras only begins quite recently. In fact, hijras used to serve a very prominent role in ancient times, especially in the Mughal era. It was not until the British colonization that public attitudes toward hijras start to morph. This paper attempts to illustrate the social status differences of transgender group in Hijra between the Mughal Empire and the post-colonial era. The changes in their social status can be seen in four aspects: main occupations, social exclusion, health and safety condition and regulations that target hijras. This paper finds that the social status of hijras experienced a downturn during the post-colonial era. They are forced into prostitution and begging, which are low-paid and frowned-upon. These jobs put them at high risk of getting infected with venereal diseases and exposed them to sadistic customers that jeopardize their safety. A large number of legislations that deprived hijras of their fundamental rights emerged and gained public acceptance. Additionally, social exclusion in schools and work settings are prevalent. This study enriches people's understanding of the hijra community, and provides a more holistic view on the shift in social status of hijras. Moreover, it calls on progressive improvements on legislation and social acceptance to protect the human rights of hijras.

Keywords: Hijras, transgender, Mhugal Empire, post-colonial era

1. Introduction

Hijra is a third-gender community that mainly consists of born male looked and dressed in feminine ways. The range of hijra population can include transgender, intersex, and eunuch, but this paper mainly talks about the transgender group in Hijra who went through castration. Studies that target hijras as the objective mainly focus on illustrating the deprivation of hijras' freedom, harassment and violence endured by hijra sex workers and exploration of the Hijra identity as a distinct third gender group. In contrast, there are fewer investigations about the role hijras played in ancient times, especially before British colonization. The purpose of this paper is to compare the social status of hijra transgender people during the Mughal Empire and in post-colonial era. Historical review and comparative analysis are adopted to integrate sources that include both of these periods as well as contrast the differences in hijras' social status, which can be showcased in four aspects: main occupations, social exclusion, health and safety condition and laws that target hijras. This paper presents a more well-rounded picture on how status of the Hijra community morph, and calls on the public to acknowledge the exigency of transgender issues.

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2. Comparative Analysis on the Social Status of Transgender Hijras

2.1. The Roles Transgender Hijras Played

This section aims to showcase the differences in hijras' roles during the Mhugal dynasty and post-colonial era by presenting the change in their main occupation and analyzing the possible effects it has on hijras' social status. The origin of hijras in religious contexts can be traced back to India's holy stories. When the god Rama left Ayodhya and went into exile after his marriage was considered void, the people all followed him to the forest. He told all men and women to return to the city. After 14 years, when he returned, he found hijra, who was neither man nor a woman, still standing there. Rama was moved and granted hijras the power to bless people's babies and weddings. Thus, in ancient India, including the Mughal dynasty, there was a prevailing custom to invite hijras to attend births and weddings. They would perform dances and songs that were deemed as blessings, which endowed the baby or the couple with fertility [1]. The hosts would pay hijras for their services, even when they were not invited. It was not clear whether hijras could live off their role in a religious ceremony, but this job did offer them high prestige in society as they were respected by households out of their fear of their magical ability to both bless and curse. Nevertheless, in Mughal rule, hijras also participated in careers like political advisors, administrators, and generals [2]. These occupations made it possible for them to come into contact with the king and aristocracies. They were deemed as loyal and sexless to the king, thus they even gained the opportunity to be guardians of the harems. Most hijras at that time had no confinements to them in terms of social settings, they had access to all spaces and populations.

The situation was fairly different when looking at hijras' main choice of occupation during the post-colonial time. The British colonization brought an influx of European cultures and customs that stress on more specific gender binaries and disparagement toward homosexuality. The gender non-conformity of hijras was pegged as revolting and sacrilegious to British rulers. The discrimination brought by a new ruling culture, along with the erasure of Hindu religious ceremonies and beliefs. Hijras became a more marginalized community and gradually lost their role. Although some groups of hijras, such as the "Khusrapan", did not participate in sex work and instead depended on charity and alms because they considered sex work as degrading, most hijras were compelled to live a new life as prostitutes. Pal indicates that the diminishing belief in hijras' supernatural property forced hijras today to engage in begging and prostitution, performing dances became only a minor part of their main professions [3]. For hijras, prostitution contradicted their abstinence which was the source of their power to confer fertility. Mohammad Asif Khan and Umme Habiba point out that, "Average monthly income of hijras was BDT 12,815 whereas the monthly average expenditure was BDT 8,504 which is quite low from Bangladeshi perspective" [4]. Therefore, it is legitimate to presume that most hijras today have relatively low economic status as their main occupations (sex workers, beggars) are insufficient to economically support themselves. Moreover, the sex industry they are forced into is considered sacrilegious in their own belief and perceived as licentious in public opinion.

2.2. Mental Health and Safety Condition

As the paragraph above suggested, transgender hijras are forced into prostitution that neither gave them the ability to financially support themselves nor granted them a decent reputation in Indian society. In addition, sodomy laws like IPC Sec.377 were designed and utilized to harass hijras for a seemingly appropriate reason. These major shifts in their social status had a magnificent impact on hijras' mental health condition as well as physical safety. According to Denis, "Over half (56.5%) of participants reported having been victimized in their lifetime; over a third (37.1%) reported having been victimized within the past 12 months". Possible forms of harassment include physical abuse,

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beating, and sex without consent. It can be seen that harassment that target hijras were fairly prevalent in 2016, which was three years after the reinstatement of IPA Sec.377. The enactment of sodomy laws, which is a consequence of British colonization, acted as justification for violence and harassment. Conversely, there were no records of stigmatization toward homosexual intercourses of hijras in the Mughal Empire. A Mughal king named Babur claimed to be bisexual. He was known for his love of a young boy Baburi. He praised the handsomeness of Baburi and expressed his lust for him unashamed. This can be a sign of gender fluidity in the Mughal Empire as opposed to the post-colonial era. Thus, hijras would have more freedom in terms of their sex life without being exposed to the risks of intentional discrimination and violence. Nonetheless, the increasing harassment toward hijras had considerable effects on hijras' mental health either. Most hijras refused to seek work opportunities for fear of sexual harassment. However, they were discontent with working as sex laborers and beggars. This dissatisfaction with their condition, along with the lack of abilities and resources to progress led to mental traumas for many hijras. It has been reported that hijras suffer from mental stress, loneliness, and abusive behaviors. Correspondingly, 69.7% of hijra respondents experienced psychoactive discomfort; 40.3% of respondents constantly felt loneliness; 85.7% of respondents had suicidal attempts [4]. Moreover, it was unlikely that hijras would reach out to psychological therapies mainly because they were incapable of paying medical bills. However, the depression brought by discrimination also contributed to their lack of access to health care. Depression is thought to be a result of discrimination. It can be expressed through symptoms like worthlessness, self-criticism, and dysphoria [5]. As a result, hijras might not view medical treatment as a possible way to relieve their anxiety, stress, and loneliness, but as another risk of being ridiculed.

2.3. Regulations and Suppressions

The regulations and suppressions in a society can be effectively represented in its laws. However, certain social preferences and regulations can also be seen in artworks, myths, and paper documentation during that particular period. Various forms of regulations, such as law, had always been an imperative and indispensable part of the society. It directs social interactions, influences people's value systems under a particular culture, and presents a standard that enables society to function systematically. Yet, regulations on a type of behavior or a type of person can both be used to punish selfish behaviors that have detrimental effects on society and demonize or lay blame on a completely innocuous group. The changes in the life of transgender hijras can adequately showcase this claim. Before the Mughal Empire, there were fewer descriptions regarding hijras as a distinct group of the third gender. The word "hijra" was thought to be bought by the invasion of Mughals. The social acceptance of hijras and homosexual activities was apparent. In the Mahabharata, a Sanskrit epic from India, a male warrior named Shikhandi was recorded. Before his reincarnation, he was a princess called Amba, who aimed to revenge on Bhisma because he refused to marry her. Shikhandi was born as a woman but raised as a warrior, at that time was considered the privilege of a man. Shikhandi later lent his manhood to a forest spirit who understood his conflict. During the Mahabharat war between the Pandavas and the Kauravas, Shikhanidi faced an invincible man who could choose the time of his death. He directed Arjuna to pin Bhisma on the ground with arrows when Bhisma claimed to refuse to fight with a "born woman". Eventually, Shikhanidi won the victory. He actually kept his male identity after the war and was exulted as a legend [6]. According to this epic, the transgender figure Shikhanidi was portrayed as an assertive and intelligent individual that was accepted and praised in history. His transgender identity did not block him from expressing masculinity, as it is thought to do today.

On the contrary, looking at the regulations and attitudes toward transgender hijras today, the picture is quite different. During the colonial era, the idea of "dangerous classes" emerged, which is composed of the unemployed, vagrants, the poor, criminals, drunkards and prostitutes. It was believed

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that the next generation of this class would inherit characters that might make them criminals from their parents. Considering that a big portion of the transgender hijras population was forced into sex work, this new concept was considered a step to encourage stigmatizations toward hijras. This idea later evolved into *The Criminal Tribes Act*. Piliavsky indicates that this law aimed to "control and reclaim" communities "addicted to the systematic commission of non-bailable offenses" [7]. In addition, the Section 377, which prohibited consensual sodomy, is another great example of British influence on India [8]. This legislation implied that sex between members of the same sex were unnatural and immoral, therefore ought to be eradicated. The promulgation of this law marked a downturn of transgender hijras, as they were later deprived of their original lands granted by the king, civil rights, and discourse power.

2.4. Social Exclusion

Due to legislations that prevent hijras from exercising their fundamental rights, hijras suffer a great deal of social exclusion. This can be revealed by hijras' exclusion from access to medical health care. Most hijras don't have the economic capacity to pay for treatments. Even if they can afford medical payments, doctors would still avoid them and treat them as if they are second citizens [9]. This prevents hijras from testing for STIs and receiving proper health care services. In settings like schools, social exclusion can play an even bigger role and leave a more negative impact on the development of young hijras. The diversity in gender expressed by hijra identities is not accepted in schools, but rather deemed as an abnormality. This attitude can be turned into humiliation and abusive language. They are constantly mocked as "maigya pola (effeminate boy)", excluded by both boys and girls on playgrounds, accused of violating school norms for displaying transgender behaviors, some even claimed to have sexual relationships with male teachers [10]. This is potentially the reason why 93% of hijras left school after completing primary education, 60.4% of them dropped out because of hatred from others [4]. The discrimination young hijras experience in schools is extremely harmful because they will be more confused about their gender identity. To earn social acceptance in this dichotomous gendered world, they have to alter their gender identity in front of different people, sometimes dressing like a man sometimes acting in a feminine way. However, maintaining two different lifestyles can prove to be mentally draining. In the Mughal Empire, transgender hijras were less confined by laws and experienced less stigmatization, therefore, social exclusion of hijras was rare. In striking contrast, transgender hijras might have the most freedom in terms of the places and populations they had access to due to their unique gender identity. Goel suggests that "they could travel freely between the mardana (men's side) and the zenana (women's side), guard the women of the harems, and care for their children" [11]. Besides, hijras took on what was considered masculine jobs. Their masculinity was considered modified, instead of erased. This gave hijras chances to participate in royal courts, serving as confidantes, warriors, and advisors. These court hijras were categorized as "*Khwaja Sera".* They had nominal children who were child eunuchs, although not biologically related. These young eunuchs would be brought up and cultivated by their guru and chela, strengthening the emotional bond between them [12]. It would be remiss to assert that hijras were held to a high position, because they were still considered slaves in the Mughal Empire. However, their conditions were still better than hijras today. Although not directly written in the laws, social exclusion towards hijras is penetrated various aspects of social life. Exclusion causes injustice and it is considered the most powerful weapon to destroy a minority group.

3. Conclusion

From the Mughal Empire to the post-colonial era, the social status of transgender hijras has been changing rapidly. They are forced to quit their traditional jobs like performing dances and blessings

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and entered the prostitution industry and begging. The little and lenient regulations on hijras evolved into strict laws that prohibit hijras from exercising their fundamental human rights during colonization. Moreover, the safety and mental health of transgender hijras are very worrisome. Some hijras have the tendency to commit suicide due to the loneliness, stress, and abuse they experience daily. The social exclusion they experience in hospitals and schools exacerbates their relatively low social status. This is due to the fact that hijras are less likely to get proper health care treatments on time, which increases their chances of getting STI and the fact that most of them are unable to complete secondary education, which significantly narrows their opportunity to find a high-paid occupation. It has been recognized by many researchers that the British colonization had great influence on the downgrade of hijras' social status. Stigmatization which is the result of anti-homosexuality sentiments and gender dichotomy is the main reason why hijras are targeted, abused, and excluded in Indian society. Thus, future researches can focus on ways to take initiatives in legal areas, education settings, and workplaces to raise awareness of hijras as a third-gender group that deserves their rights and welfare. Besides, hijras should be allowed to choose their gender identity freely on their IDs and have a quota reserved for them in employment [13]. Any insinuation of criminalization of hijras and homosexuality in the laws should be eradicated.

The method employed in this paper is mainly a historical review. Thus, due to the time differences between the references featured in this paper, this might not effectively reflect the status of hijras in 2023. The results would be more convincing if field studies could be done in India to have a more comprehensive understanding of hijras' social status in reality.

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