

**Gender Nonconformance in Non-Western Contexts:
Hijras in India**

Saatvika Rai and Josephine Kipgen

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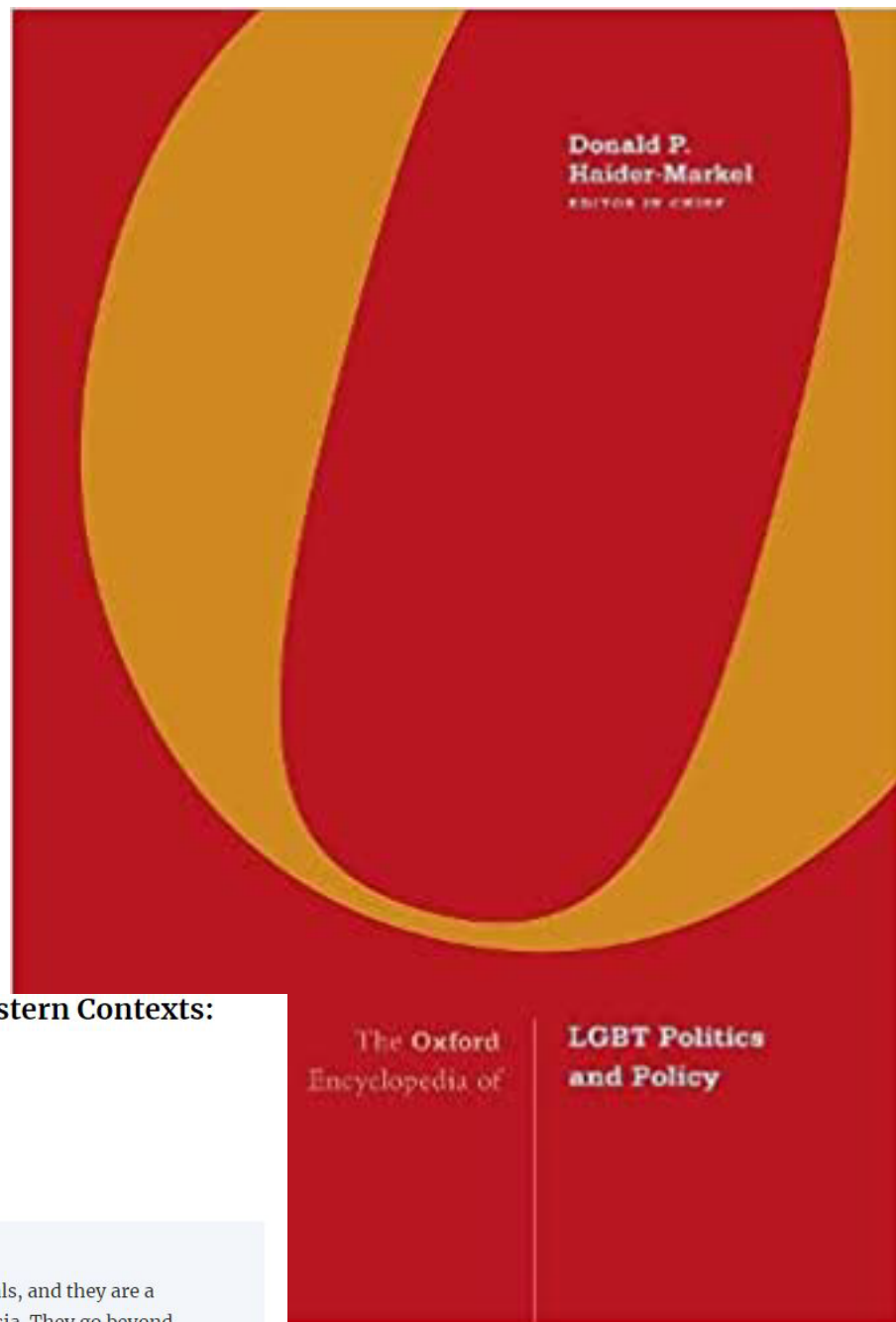
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Summary

Hijras are described as eunuchs and intersexed individuals, and they are a subgroup within the transgender community in South Asia. They go beyond Western descriptions of LGBT persons and are better understood as a complex interplay of gender, sexuality, traditions, and kinship. Hijras face social stigma and legal discrimination due to their nonconformance with the gender and sexual norms of heterosexuality dominant in India's society. They negotiate their identity through religion and mythology, whereby they undergo rituals of castration and emasculation, by virtue of which they play a significant role in ceremonies and festivals. Previously, legal frameworks like the anti-sodomy law of Section 377 of the Indian Penal Code (IPC) and the lack of a gender category for the transgender in official government documents resulted in discrimination and marginalization of the Hijra community. They faced harassment and violence from the police, medical establishment, and other individuals, and they experienced systemic exclusion from vital social services like employment and healthcare. Legal reform in India, such as the Supreme Court's recognizing the transgender community as a "third gender" in 2015 and the decriminalization of sodomy in 2018, have been positive steps to improve the status of Hijras. However, inconsistencies in the definition of transgender persons and ambiguity in operationalizing the self-identification process remain, posing a challenge to effective policy implementation. Sociocultural norms of Hindutva and homophobic ideology are still prevalent, resulting in little improvement in the marginalized status of Hijras and the transgender community in India.

Keywords: Hijra, transgender, third gender, emasculation, eunuchs, HIV/AIDS, NLSA, India, LGBT politics, intersex

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Josephine Kipgen

Assistant Professor
Women's, Gender, and
Sexuality Studies



Saatvika Rai

University of Toledo



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This article provides a comprehensive overview of the historical, social, and political experiences of the 'Hijras' in India. Often called "transgender" by outsiders, most Hijras consider themselves neither male nor female, not transitioning, and are legally recognized as a distinct "third gender." The Hijra identity is constructed by many axes rooted in historical significance and the complex interplay of gender, sexuality, religion, tradition, and kinship. To that effect, the pluralities of values and practices of the Hijras abrogate Western conceptualizations of the "heterosexual matrix" (normative ideas about sex, gender, and sexuality). Further, the formal and informal institutional structures within which they are embedded supersede the often unilinear understandings of transgender identities and experiences in western contexts.