

"Unveiling The Veil: Exploring Myths, Realities, And Challenges Faced by Hijras in Contemporary India"



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Abstract

The Hijra community in India, a minority group, has long faced marginalization and discrimination despite their recognition as a third gender by the Supreme Court of India in 2014. Historically referred to by various names like *Napunsaka*, *Ardha Nariswar*, eunuch, and intersex, Hijras have held significant roles in Hindu mythology and the Mughal era, where they were revered for their religious authority. According to the 2011 Census, there are approximately 4.88 lakh Hijras in India, with Uttar Pradesh hosting the largest population. The landmark Supreme Court ruling in the *National Legal Service Authority v. Union of India* case confirmed their legal status and equal rights under Articles 14, 15, 16, and 21 of the Indian Constitution. However, societal acceptance remains ambiguous. This paper delves into the myths and realities associated with Hijras, the challenges they face in contemporary society, and their national and international status. The study is based on a review of case studies and secondary data collected from various sources including articles, journals, and books.

Keywords: Hijra, Nirvana, National and International status, Discrimination

1. Introduction:

Transgender is an umbrella term, whose gender identity, expression, or behaviour differs from what is commonly associated with the sex to which they were biologically assigned. In everyday life, we often encounter individuals who defy the conventional binary understanding of gender—a tall, lean man with long hair dressed in a sari or salwar suit, who behaves and speaks like a woman. These individuals belong to the Hijra community, one of the most vulnerable and marginalized groups in Indian society. Known by various names like *kinaar* or *napunsaka* (meaning impotent), the Hijra community was formally recognized as the third gender by the Supreme Court of India in 2014. Hijras are individuals whose gender identity does not align with their assigned sex at birth, often described as a feminine soul trapped in a masculine body. In the Indian subcontinent, Hijras have historically been eunuchs, intersex people, or transgender individuals who live within a structured community, following a kinship system known as the *guru-chela* tradition. References to Hijras can be found in ancient texts such as the Kama Sutra and in Hindu epics like the Ramayana and Mahabharata. Even in Sanskrit Grammar, we can find there are three types of gender first is pumlinga, the second is strilinga, and the last napumsakalinga. During the Mughal era, Hijras held significant roles in governance and religious practices. Despite their historical prominence, there

are 4.88 lakh Hijra people in India as of the 2011 census, 54,854 of them are children. And 56.07% of people are literate. In terms of the number of Hijra people, Uttar Pradesh ranks first with 1.37 lakh, followed by Andhra Pradesh (43,769), Maharashtra (40,891), Bihar (40,827), Maharashtra (40,827) and West Bengal (30,349) (*TransGender/Others - Census 2011 India*, n.d.).

According to our society, we have two main gender male and female. Moreover, we all regard this gender as the dominant one. These two genders are given every advantage and opportunity in terms of education, work, access to healthcare, and other things. To eradicate discrimination and safeguard their rights the Supreme Court of India addresses Hijra as a third gender. The third gender was given legal recognition in the landmark decision of the *National Legal Service Authority v. Union of India* when the Hon'ble Supreme Court decided that the third gender should have access to the same fundamental rights as men and women (Agarwal, 2015). Not only that the court has provided equal rights and protection under articles 14,15,16 and 21(Agarwal, 2015). In our Indian society, the hijra group continues to be stigmatised and taboo. Most often, they are left alone by their friends, family, and society. Even they receive inadequate education from schools and colleges. They are compelled to leave the institutions if they enrol themselves in school because of the harassment. Nobody gives them the

chance to work and make money so they can live. In the end, there is only one way to stay alive, which is to bag it in traffic, dance at a happy occasion like a wedding or childbirth, etc., or go for prostitution.

2. Objectives:

1. To explore the myths related to Hijras.
2. To examine the sociological and cultural aspects of Hijras.
3. To analyze the discrimination faced by Hijras in contemporary society.

3. Review of literature:

Several studies and articles have examined the challenges faced by the Hijra community both in India and internationally. For instance, "In a study by Chhetri (2017), it was highlighted that the perception of transgender individuals within families in Nepal is often negative, leading to experiences of discrimination, harassment, and bullying both at home and in society. Historically, the Nepalese government regarded transgender identities as unnatural or deviant. However, the situation began to change in 2007 when Bishnu Adhikari, a transgender man, was issued a citizenship certificate under the 'third gender' category—a significant milestone in a country that had previously issued passports exclusively for males and females. Later that year, the Supreme Court of Nepal made a landmark ruling on gender identity and sexual orientation, mandating the government to issue citizenship certificates or identity cards with an 'other' gender option. This ruling marked Nepal as the first South Asian nation to legally recognize the equal rights of LGBT individuals."

In the article (Rajdev, 2020) she highlights the challenges and discrimination experienced by transgender students in institutions. Classes 11 and 12 CBSE board announced that the drop-out rate of transgenders in school is significantly very high. Despite the census 2011 recording, it found that the number of transgender students is 54,854 below the age of six, the board exam had only a limited number of students who appeared in the examination. The rest children are still unknown. The author also mentioned It is important to build an inclusive and supportive education environment to avoid discrimination and stigma.

In the study (Bhaina et al., 2020) they emphasised on the challenges faced by transgender in India. The study pointed of occurrence of transgender population in various Indian states, stressing the need for greater inclusion in majority education and employment opportunities.

The article "A Socio-Legal Study on Gender Disability of Eunuchs: From being a Eunuch (Hijra) to a Third Gender in India" (Chatterjee, 2022). investigate the historical development of the third gender population in India. These people have been an

essential element of Asian civilization for more than 4,000 years. Despite their importance, they are subjected to prejudice about property rights, land ownership, and fundamental human dignity. Their journey from being hijras (eunuchs) to being acknowledged as the third gender is documented in the study. To protect their rights and gain social recognition, legal actions are still being taken.

Indian filmmaker and activist (vaishnavi sundar, n.d.) in her article, exposed common misconceptions regarding hijras. She emphasises that the fact that there are androgynous figures in mythology does not prove that biological sex is ambiguous. Although hijras have a long history, modern gender identification should not be confused with the mythology around them. The author criticises the Western narratives' misapplication of hijras to normalise child puberty blockers, a practice devoid of scientific support. Her dedication to accuracy and transparency is admirable in a setting where false information is frequently in the dominant.

In the article of (Sridevi Nambiar, 2017) express the legacy of hijra in India. The community is recognised as a third gender by Indian law. Ancient text, including Kama Sutra address their existence. In the time of Mughal era, the community held a prestigious position. However, prejudice and criminality were brought about by colonial control. The Indian government has taken steps to protect the transgender community from their ongoing discrimination in society.

In the study of (Aziz, Abdul & Azhar, Sameena 2020) investigates the Hijra community's social marginalisation and legal recognition in Dhaka, Bangladesh. Hijra people still struggle to legally register as a third gender even though the government has officially recognised it. This hinders their ability to obtain employment and healthcare services. According to the research, in order to enhance Hijra's civil rights and social inclusion, career options, healthcare provider sensitization, and legal advocacy are required. Hijra and important informants' interviews expose persistent discrimination and the necessity of appropriate policies to genuinely assist the community.

According to (Majid et al., 2023) emphasises how society norms and prejudices result in deprivation and neglect of a variety of social requirements, such as assistance, economic opportunity, rights, religious affairs, and healthcare access. In the study, Hijras are frequently discriminated against, reviled, and abused, resulting in their exclusion from social engagement and lack of access to crucial opportunities and support networks. The report advocated for increased social acceptance and integration of transgender people into society.

In the study of (Saxena et al., 2023) in Bhutan it was critically examined 48.0% of the participants were between the ages of 18 and 24, and 48.4% had moved

from a rural to an urban location. The majority (95.2%) were stigmatised as a result of others' knowledge or misconception that they were trans males. Living as a couple with their partner and being jobless or a student were associated with frequent experiences of stigma. When it came to receiving health treatment, nearly half (47.6%) reported that they faced discrimination because people knew or believed they were transgender males; this experience was linked to migration and having more than 15 trans men in their social network. The majority (94.4%) reported having been the victim of verbal abuse, 10.5% of physical abuse, and 4.8% of sexual abuse.

4. Methodology:

This study takes an exploratory approach and utilizes secondary data. The information for this research has been sourced from various platforms, including academic articles, journals, blogs, and magazines. Additionally, census data was also incorporated into the analysis. By drawing from these diverse resources, the study aims to provide a comprehensive understanding of the topic. The reliance on secondary sources allows for a broader perspective without the need for original data collection. This method is particularly useful in exploring new areas of inquiry. Each type of source contributes unique insights that enhance the overall findings. Ultimately, the research seeks to synthesize information from these varied channels. Through this exploratory framework, the study aspires to uncover meaningful patterns and trends

4.1 The Myth of Hijras:

The Hijra community's origins are deeply rooted in Hindu mythology. Shiva, in his form as Ardha Nariswar (half-man, half-woman), is revered across India. The deity was honoured over much of India. Ayappa is a god who emerged as the result of a union between Mohini and Shiva. This is regarded as the Hijra's birth. whose temple is located in Kerala (vaishnavi sundar, n.d.).

In the Mahabharat, a woman named Urvashi curses Arjuna, dooming him to a year of exile as the eunuch Brihannala, a dancing instructor. He had access to women's intimate spaces throughout this period (vaishnavi sundar, n.d.).

Aravan was sacrificed in the Mahabharata to guarantee the Pandavas' victory in the conflict. He concurred, but he also desired to experience a day in the life of a married guy. No woman offered to marry him because she knew his fate, so Krishna, a male divinity, assumed the shape of Mohini and did so. It is thought that this is the reason Tamil Nadu's hijra community refers to itself as Aravanis. Every year, an 18-day festival is held in the Tamil Nadu town of Koovagam during which the local eunuchs dress as

their wives and lament the loss of their "husband" (vaishnavi sundar, n.d.).

Lord Rama left Ajodhya for his 14-year exile, the Ramayana. As a result of their love for him, a mob follows him into the wilderness. When Lord Rama saw, he told them to bring Ajodhya back to their location. As Lord Rama returns from exile after 14 years, he discovers that the Hijras have remained in the same location where he gave his final speech. Rama grants them a boon to bless others on auspicious occasions as a result of their dedication. (Hijra (South Asia) - Wikipedia, n.d.)

4.2 Sociological and Cultural Aspect of Hijras:

Hijras are known for leaving their homes to integrate into their unique communities, where they undergo a significant transformation process. Upon joining, they are guided by a mentor, referred to as a guru, who teaches them the customs and practices of the Hijra community. This initiation involves adopting specific rituals associated with Hindu households. Many Hindu families regard Hijras with a mixture of respect and reverence, often inviting them to bless important life events such as births and marriages, believing that Hijras possess spiritual powers. In return, Hijras collect a fee for their blessings. There are instances where Hijras may attend these ceremonies uninvited, asserting that it is their religious obligation. If a family refuses to pay the customary fee, the Hijras may deny them their blessings. Within their community, Hijras refer to each other using familial terms such as "sister," "mausi" (aunt), or "nani" (grandmother) to establish bonds and reinforce their social structure (Singh & Kumar, 2020).

4.3 Nirvana:

The ritual of castration, known as "Nirvan," is a pivotal event in the life of a Hijra, symbolizing a form of rebirth. This procedure, traditionally carried out by a seasoned Hijra, often called the midwife or dai, marks the individual's transformation from male to Hijra, rather than from male to female. Following the surgery, the individual is placed in seclusion for a period of 40 days, during which they must adhere to strict post-ritual restrictions. At the end of this period, a celebratory event called "jalsa" is held, where the newly initiated Hijra is dressed as a bride, and the ceremony is attended by members from various Hijra communities. This celebration signifies the completion of the male phase of life and the beginning of their journey into the "third gender." Although Nirvan is a significant rite of passage, it is not mandatory for all Hijras and remains a matter of personal choice (Singh & Kumar, 2020).

4.4 Discrimination initiates from school:

Discrimination against Hijras often begins in school, as abnormal behaviour and girlish nature of a

masculine body are not allowed in the school. The teacher scolds them for not behaving properly otherwise they will get punishment. Other children in school bully them. Parents warn their children not to sit, play or talk with them. Often, they are experiencing loneliness and humiliation. And it causes for increasing dropout rate. No formal schooling is common for transgender people in India, most of them have little or no education. The dropout rate is significant and main enrolment is still quite low. Secondary school or higher is the typical educational level. They encountered prejudice and discrimination due to their social level. Very few have the option to select their eligible path. (Kumar, 2016). Transgender education is still in inferior shape in India. There are surprisingly few transgender students enrolled in school. Primary and secondary school dropout rates are notably high. Despite enrolling, extremely few people finish their education. In 2019, a record-high 83.3% of transgender applicants overall passed the CBSE class XII test. Class 10 and 12 results from the Central Board of Secondary Education were released on July 13, 2020, and July 15, 2020, respectively. According to a press statement from the CBSE, there were 1,206,893 candidates for class 12 and 1,889,878 students for class 10. Students who registered for the class 10th exam were 7,88,195 girls and 11,01,664 boys (Bhaina et al., 2020). There is a very small number of students who crossed the 10th and 12th-grade boards in 2020. Class 10 students' pass rate has grown by 0.36%, and class 12 students' pass rate has increased by 5.38%. Many education departments in India have deemed it to be a great accomplishment. However, the pass rate for transgender people has received a lot of disregards. Whereas the promoted percentage of transgender people in classes 10 and 12 has reduced by 15.79% and 16.66%, respectively. This information has slid. According to her, discrimination against transgender people starts in the classroom (Rajdev, 2020).

All social classes, races, and castes have had third-gender people. But their success has always come at a price and with additional difficulty. According to a 2018 survey by the National Human Rights Commission, 96% of third-gender people are denied employment opportunities and are compelled to engage in low-wage or degrading labour, such as begging, sex work, and blessings. The first-ever survey on the rights of transgender people also found that 92% of transgender people in the nation are denied the opportunity to engage in any kind of economic activity, with even qualified individuals being denied employment. Before then, just 6% of transgender people worked in the commercial sector or for NGOs, and only 1% of transgender people reported having a monthly income of over Rs. 25,000; the bulk, 26.35%, earn between Rs. 10,000 and Rs. 15,000. The survey also showed that 23% of

persons are forced to perform sex work, which has significant health hazards. As a result, trans people are 49 times more likely to contract HIV than the overall population (*Transgender And Unemployment In India*, n.d.)

National and International Status of Hijras:

In India, despite gathering census data for years, the Indian Census has never acknowledged the third gender, or transgender. However, information about transgender people's job, literacy, and caste was gathered in 2011. According to the 2011 census, there are around 4.88 lakh transgender people in India. Additionally, the census statistics showed that the community's literacy rate was only 46%, whereas the overall population's literacy rate was 74% (Times of India, May 30, 2014). The distinctive feature of Hijras is their vibrant, ceremonial, traditional social structure. Hijras make their money through prostitution or by carrying out a customary rite that is held in the community for each new infant born. According to Indian law, those who identify as third gender have certain fundamental rights under Articles 14, 15, 16, 21, and 23 of the Indian Constitution. Article 14: Equal protection under the law and equality before the law. Article 15 forbids discrimination based on sex, religion, caste, race, or place of birth. Article 16 guarantees equal opportunities when it comes to public employment. Article 21: Personal liberty and the right to life. This is a broad right that encompasses many other rights, such as the right to privacy, the right to health, and the right to live a life of dignity. Article 23: Prohibition of forced labour and human trafficking. The government of Bangladesh recognises hijras as people who identify as third gender but are part of the scheduled caste. The government provides access to rations as well as reserved seats on the panchayat and local village councils. The majority of Hijra community members are unable to register as members of a third gender. Many Hijras have claimed that there are only two options on the present voter form: male or female. There is no option to identify a third gender on the voting form. Discrimination still exists in the community when it comes to jobs and healthcare.

Pakistan is also a famous country in South Asia. The situation of Hijra in Pakistan is not so different from other countries. There is no valid data available for their population but it is estimated that 500000 hijras live in Pakistan. They are involved in deviant behaviours such as begging, selling sex, sex surgery, silicon implantation, cross-dressing, dancing, and inexpensive makeup. In Pakistan, transgender people deal with a number of social issues. They are negatively ignored in every aspect of life and live in a deplorable state. They lack access to crucial social contributing elements like political and social rights, jobs, health, education, and social support. Because

of this discrimination and social rejection, transgender people have developed their own way of life.

According to the Nepal LGBTI Survey 2013, the country's LGBTI population is 4.196. The population is composed of 0.31 per cent lesbians, 1.35 per cent gays, 0.1% bisexuals, 2.17 per cent transgenders, and 0.05 per cent intersex people. In 2016, they were expected to number around 900000. In Nepal, families and society hold negative sentiments towards third-gender individuals. They are not accepted but are instead discriminated against, excluded, and ostracised by family and society. Family members may wish to distance themselves from these individuals in order to maintain their social standing. Third-gendered individuals frequently relocate from their schools and hometowns. They are forced to conceal their grief.

Previously, the government saw third-gender individuals as 'unnatural' and 'perverted'. But things appear to have improved in recent years. In 2007, Bishnu Adhikari, an FTM (Female to Male), got a citizenship certificate under the 'third gender' category, despite Nepal previously providing passports solely for males and females. In December 2007, the Supreme Court of Nepal issued a groundbreaking verdict on gender identity and sexual orientation, recognising equality under the law. The Supreme Court ordered the government to produce citizenship certificates or identity cards that allow individuals to pick "other" as their gender. Nepal is considered the first South Asian Country to recognize equal rights of LGBT persons.

Bhutan is another famous country which is located in South Central Asia. The country is famous for its breathtaking landscape and Rich cultural heritage. It is often offered to the land of happiness. In the history of Bhutan, it will remark the day 10th December 2020 for removing section 213 and 214 of the Bhutan penal code. According to Section 213 of the Penal Code of Bhutan (2004), a person "shall be guilty of the offence of unnatural sex, if the defendant engages in sodomy or any other sexual conduct that is against the order of nature." On the other hand, according to section 214 of the Penal Code of Bhutan (2004), "offence of unnatural sex shall be a petty misdemeanour." Same-sex relationships were made legal again by the Bhutan Penal Code (Amendment) Act of 2021. As a result, Bhutan joined the other nations that embrace the LGBT community as the most recent to decriminalise homosexuality. Still, after the elimination of sections 213 and 214 from the Bhutanese Penal Code, there has been no improvement in the status of the LGBT community; their rights remain unrecognised and ignored in Bhutan. The LGBT community in Bhutan continues to face discrimination and judgement from society, despite the overwhelming support and empathy shown by politicians, social media influencers,

activists, and laypeople for them and their circumstances. Only 53 of the 218 LGBT people who are officially registered are open about their sexual orientation, according to community records. While some of them have trust in their loved ones, but the majority have never discussed their gender identity with anybody. Even though the educated populace of the nation is accepting and tolerant of the LGBT community, the general public misinterprets the sexual orientation of these individuals, views the LGBT movement as completely against nature, and views it as a sin (Wangmo & Geeta, 2022).

5. Some case studies:

5.1 Sudha Tiwari: a 30-year-old Hijra living with her people in Bholakhera, Lucknow. The majority of her revenue comes from badhai. On her own, she left home. She came from a highly prosperous family at birth. Her father worked for the army. She is the first person in her community to apply to a PhD programme. She says that at the age of ten, she fled her home and sought safety in her guru's home out of respect for society. Her guru was really encouraging of her pursuit of more study. When I asked Sudha about the biggest issues she had encountered because of her gender identification, she said that she was looking for property on which to construct a house for her community. She added that even though she was prepared to pay the required amount, no one was willing to provide her land.

5.2 Rukshana: A 28-year-old Hijra who is living with her chela in a small, cosy room. Her father is a farmer, and her mother is a housewife. She finished her education with a B.Sc. in mathematics. She left her home for society and friends. She was bullied in school and college, where classmates and teachers made fun of her gender identity. Initially, she was engaged in begging for her daily bread and butter. She has also faced threats from neighbours saying that she must leave the rented house or her children will be spoiled. She also mentioned that whenever she went to a market or shopping mall with her peer group, people would behave strangely and teased them as Chhakka. When I asked her why she didn't apply for the job, she replied that she had heard since childhood that her only task was to enter badhais and make monetary demands.

6. Necessary Recommendations:

- Awareness of gender identity should be taught in the schools.
- Promote mutual respect among all students and forbid harassment, bullying, and acts of violence against any student.
- Verify that HIV and other STD prevention information pertinent to TG kids is included in health curricula or educational materials. This

includes making sure that inclusive language or terminology is used in the curriculum or materials.

- Promote training on how to provide safe and accepting school settings for all children, irrespective of sexual orientation or gender identity, and urge the school district and staff to participate in them.
- The Hijra community should come under the pension scheme.
- The government should establish a law for no parents can abandon their child due to gender identity.
- Gender education and counselling should be included in the time of childbirth and parenting period.
- educating police about the concerns and difficulties that the transgender population faces. The law ought to be followed when it comes to insulting remarks and any potential molestation.

7. Conclusion:

In India, the third gender is not a new concept. They have also a separate role in our society. They too have their own identity and rights which are given by the Indian Government. But the thing is very few people have knowledge and awareness about their painful life. The colonial administration of Great Britain committed the same error. It declared the whole hijra community to be criminals under the CTA because of their disparate outward appearances and behaviors despite being ignorant of the hijra community's physical condition (Chatterjee, 2022). They face untouchability and Discrimination in every sector whether it is health, education, or employment. Hijra has recently reclaimed some of the rights and liberties that they had previously been denied. Supreme Court of India has mentioned that it is everyone's choice to choose their gender. The Indian government has implemented numerous welfare policies and programs in the modern era, including the census, paperwork, issuance of citizenship ID cards, passports, separate restrooms, housing with minimal facilities, socio-economic development, etc. To eradicate discrimination and stigma government should implement strict policies and undenied reservations for them.

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