

The Evolution of Third-Gender Identity in Ancient Indian Society: A Historical Inquiry

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Abstract

This study undertakes a historical inquiry into the evolution of third-gender identity in ancient Indian society, examining how individuals and communities outside the male–female binary were conceptualized, classified, and situated within the socio-religious and legal order of early India. Employing the Historical Research Method, the study draws upon primary Sanskrit textual traditions — including the Manusmṛti, Nārada Smṛti, Arthaśāstra, and Kāmasūtra — alongside epic and purāṇic narratives and secondary scholarship, to reconstruct a historically grounded account of the concept of tritīya-prakṛti, or the “third nature.” The inquiry traces the terminological evolution of categories such as napuṃsaka, klība, and ṣaṇḍha across legal, medical, and erotic literature, and situates these categories within the broader framework of dharmaśāstra jurisprudence, statecraft, and religious mythology. The study also addresses the distortions introduced by colonial legal and anthropological discourse, which recast pre-colonial gender plurality within a rigid binary and criminal framework, most notably through the Criminal Tribes Act of 1871. Findings indicate that ancient Indian society recognized a functionally distinct, if socially ambivalent, third-gender category that occupied ritual, courtly, and literary roles quite unlike the criminalized and marginalized position imposed during and after colonial rule. The study concludes that a historically informed understanding of third-gender identity is essential to contextualizing contemporary debates on gender recognition in India and offers a corrective to both purely Western-derived and purely colonial-derived frameworks of gender history.

Keywords: *Tritīya-prakṛti; Hijra; Napuṃsaka; Dharmaśāstra; Ancient Indian Gender History; Kāmasūtra; Colonial Gender Discourse.*

I. Introduction

Gender, as both a lived identity and a category of classification, has never been a static or universally binary construct across human civilizations. Long before the emergence of modern clinical and sociological vocabularies of “transgender,” “intersex,” or “non-binary” identity, ancient societies across the world developed indigenous frameworks for recognizing individuals whose bodies, desires, or social roles did not conform to a strict male–female division. Mesopotamian temple attendants known as the gala and kurgarra, the Two-Spirit traditions among numerous Indigenous nations of North America, and the gālli priests of the Roman cult of Cybele are frequently cited examples of pre-modern societies that institutionalized gender categories beyond the binary (Nanda, 1999). Ancient India occupies a particularly significant place in this comparative history because its textual record — spanning legal codes, statecraft manuals, erotic treatises, and vast mythological corpora — preserves an unusually continuous and detailed discourse on a socially recognized “third nature,” referred to in Sanskrit sources as tritīya-prakṛti.

The importance of studying third-gender history in the Indian context is twofold. First, it corrects a longstanding historiographical tendency — often traceable to nineteenth-century colonial administration and Victorian-influenced legal codification — to treat gender and sexual non-conformity in South Asia as either a deviant aberration or a modern Western import (Hinichy, 2019). Second, it provides essential historical grounding for contemporary Indian jurisprudence, most notably the Supreme Court's 2014 recognition of a legal “third gender” category in *National Legal Services Authority v. Union of India*, a judgment that explicitly invoked ancient and medieval precedent to argue for the historical continuity of non-binary gender recognition in India. Without a systematic historical synthesis, such legal and social claims risk resting on fragmentary or anecdotal textual references rather than a rigorously reconstructed account.

1.1. The Conceptual Framework

This study situates “third gender” as an analytical category distinct from, though overlapping with, modern categories such as transgender, intersex, and homosexual identity. Following the framework used in South Asian textual scholarship, tritīya-prakṛti (“third nature”) is treated as an emic (indigenous) category that ancient Indian authors used to describe individuals understood to possess a combination of masculine and feminine attributes, a non-procreative constitution, or a same-sex erotic orientation — a category encompassing what

modern scholarship would separately classify as intersex conditions, gender-nonconforming identity, and homosexuality (Vanita & Kidwai, 2000). The Sanskrit lexicon associated with this category includes terms such as *napuṃsaka* (“neither male nor female,” used from the early *vedāṅga* and *dharmaśāstra* literature onward), *klība* (“impotent” or “unmanly,” used in both medical and moral senses), *ṣaṇḍha* (a term for a masculine-bodied person with feminine orientation used in the *Kāmasūtra*), and *pāṇḍaka* (a Buddhist Vinaya category denoting a person of ambiguous or fluctuating sexual characteristics). The conceptual framework of this study treats these terms not as synonymous but as a shifting and overlapping taxonomy that changed across genre (legal, medical, erotological, narrative) and across centuries, and it deliberately avoids collapsing this taxonomy into a single modern equivalent term.

1.2. The Statement of the Problem

While individual references to third-gender figures in the *Mahābhārata*, *Rāmāyaṇa*, and *dharmaśāstra* literature are frequently cited in isolation — particularly in activist, legal, and journalistic writing — there exists no widely agreed historical synthesis that traces the evolution of this category across genres and centuries within a single, source-critical framework. Existing scholarship tends to specialize either in colonial-era hijra history (e.g., Hinchy, 2019, 2022) or in isolated close readings of individual epic episodes, leaving the pre-colonial *longue durée* comparatively under-synthesized.

The nineteenth-century colonial state, through instruments such as the Criminal Tribes Act of 1871, recategorized hijra and related communities as a criminal caste, actively suppressing their customary courtly and ritual roles and imposing a rigid Victorian binary of gender onto a pre-existing plural framework (Hinchy, 2019). This colonial intervention has had a distorting afterlife: many twentieth-century readings of ancient Indian texts inherited colonial assumptions about deviance and criminality, producing either apologetic silence or anachronistic projection onto the ancient material. A central problem this study addresses, therefore, is disentangling pre-colonial textual evidence from colonial-era reinterpretation.

Given the above two problems, there is a clear scholarly need for a historically disciplined reconstruction — one that reads primary Sanskrit and Pali sources on their own terms, cross-references them against critical editions and philological scholarship, and explicitly separates ancient, medieval, and colonial strata of evidence.

1.3. The Significance of the Study

This study contributes to South Asian historiography, gender studies, and legal history by offering a source-based account of third-gender identity that can inform academic teaching, comparative gender history, and public discourse. It is significant for scholars of *Dharmaśāstra* and Sanskrit literature, historians of sexuality and the body, legal scholars researching the historical basis of transgender rights jurisprudence in India, and the third-gender and hijra communities themselves, for whom an accurate historical account carries considerable social and political weight.

1.4. Research Objectives

- O1: To study Indian textual traditions of third gender in the historical context of sex and gender.
- O2: To examine the third gender in *Manusmṛti*, *Nārada Smṛti*, *Arthaśāstra* and *Kāmasūtra*.
- O3: To study perspectives on the third gender reflected in myths, stories and narratives.

1.5. The Delimitations of the Study

This study is delimited to the ancient period of Indian history, broadly defined as extending from the Vedic period (c. 1500 BCE) through the classical and early post-classical periods (up to approximately the 7th century CE), and it draws upon the medieval and colonial periods only insofar as they are necessary to contextualize the transformation and later distortion of ancient categories. The study is textual and historical in method; it does not include ethnographic fieldwork with contemporary third-gender communities, nor does it attempt a comprehensive linguistic-philological analysis of Sanskrit grammatical gender, which is a related but distinct field of inquiry. The study is further delimited to sources available in critical editions or peer-reviewed translation, and it does not extend its primary-source analysis beyond the Indian subcontinent, although comparative references to other ancient civilizations are made briefly in the introduction for contextual purposes only.

II. The Review of Related Literature

Saria (2021), an ethnographic and historically informed study based on long-term fieldwork in Odisha, examined hijra kinship, sexuality, and survival, arguing that scholarship must resist the tendency to “de-eroticize” hijra identity by reducing it to a purely religious or ritual role; the study situates contemporary hijra life within a longer historical arc extending back to pre-colonial religious patronage.

Hinchy (2022), writing in *History Compass*, offered a historiographical review of hijra studies within South Asian history, arguing that although the 19th century has been the primary focus of historical hijra scholarship, a deeper genealogical account of the term hijra and cognate pre-colonial categories remains a significant gap requiring further primary-source research; this review directly informs the research gap addressed in the present study.

Sharma (2023), in a descriptive legal-studies analysis published in the *International Journal for Legal Research and Analysis*, traced the historical antecedents of India's Transgender Persons (Protection of Rights) Act, 2019, situating the legislation against the backdrop of the 2014 NALSA judgment and briefly against pre-colonial recognition of third-gender persons, while noting that implementation continues to fall short of full legal recognition in practice.

Boral and Vashisth (2023) undertook a close literary analysis of third-gender figures in the *Mahābhārata* and other ancient Indian texts, focusing on the characters of *Bṛhannaḍā* (Arjuna's third-gender disguise) and *Śikhaṇḍī*, arguing that the epic accords such figures notably elevated status — including military and courtly roles — that stands in marked contrast to the marginalization these figures acquired in later colonial and postcolonial discourse.

Franicevic (2025), publishing in *Old World Trade and Interaction*, examined material culture — temple architecture, iconography, and votive imagery — from the Iron Age through the late modern period to argue that pre-colonial Indian visual and religious culture provided extensive representation of androgynous deities and non-heteronormative embodiment, and that the poor modern visibility of this heritage reflects colonial-era criminalization and the marginalization of gender diversity within archaeological and heritage discourse.

2.1. The Research Gap

Taken together, the reviewed literature demonstrates strong and growing scholarly interest in third-gender history in India, but it also reveals a persistent gap: international scholarship (Saria, 2021; Hinchy, 2022; Franicevic, 2025) tends to emphasize either ethnographic continuity or material and colonial-era culture, while national scholarship (Sharma, 2023; Boral & Vashisth, 2023) tends to emphasize either contemporary legal history or close reading of a small number of canonical epic episodes. What remains comparatively underdeveloped is a single, integrated historical synthesis that reads the ancient legal (*Manusmṛti*, *Nārada Smṛti*), statecraft (*Arthaśāstra*), erotological (*Kāmasūtra*), and narrative (epic and *purāṇic*) traditions together, within one continuous historical framework, and that explicitly distinguishes the ancient evidentiary layer from later colonial reinterpretation. This is precisely the gap that the present study addresses.

III. The Methodology of the Study

Research Method

The present study employs the Historical Research Method, which is appropriate for investigating past events, institutions, ideas, and social phenomena through the systematic examination and critical interpretation of historical evidence. The method seeks to reconstruct the historical evolution of third-gender identity in ancient Indian society by analyzing literary, legal, philosophical, and religious texts. It involves the collection, verification, interpretation, and synthesis of information from primary and secondary sources to understand how third-gender identities were conceptualized, represented, and situated within the socio-cultural framework of ancient India.

Research Design

This is an interpretative approach, interpreting the evidence within the broader socio-political and cultural context of ancient India to reconstruct the evolution of third-gender identity and assess its historical significance. The design proceeds through source identification, source criticism (distinguishing critical editions from popular or devotional renderings), thematic coding of textual references by genre and period, and comparative synthesis across genres.

Data Collection Procedure

Primary data were collected from critical editions and scholarly translations of the core texts — Olivelle's (2005) critical edition and translation of the *Manusmṛti*, Lariviere's (1989) critical edition of the *Nāradaśmṛti*, Kangle's (1965–1972) critical edition and translation of the *Arthaśāstra*, and Doniger and Kakar's (2002) Oxford World's Classics translation of the *Kāmasūtra* — supplemented by widely used translations of the *Mahābhārata* and *Rāmāyaṇa*. Secondary data were drawn from peer-reviewed journal articles, academic monographs, and archival or digital repository holdings (e.g., the Internet Archive digitized editions of Nanda [1999] and Vanita and Kidwai [2000]). Each reference identified in the primary sample was cross-checked against at least one secondary scholarly discussion where available, in order to reduce the risk of misreading or decontextualization.

IV. The Analysis and Interpretation

This section presents the analysis of third-gender representation across the four primary textual traditions specified in Objective 2 (Manusmṛti, Nārada Smṛti, Arthaśāstra, Kāmasūtra), followed by an analysis of mythological and narrative material addressing Objective 3. Table 1 summarizes the legal and statecraft material; Table 2 summarizes the erotological and narrative material.

4.1. Legal and Statecraft Traditions

The dharmaśāstra tradition, epitomized by the Manusmṛti (composed, according to Olivelle's [2005] critical dating, in approximately the first two centuries CE, drawing on older oral legal tradition), treats the napuṃsaka primarily within the framework of inheritance and ritual eligibility rather than as an object of moral condemnation. The category is treated as a fact of nature requiring specific legal accommodation — for instance, in provisions concerning exclusion from a share of inheritance on grounds of inability to continue the family lineage — rather than as a punishable transgression. The Nārada Smṛti, a later and more procedurally oriented legal text (Lariviere, 1989), similarly treats napuṃsaka status as a recognized legal condition relevant to marriage annulment and witness eligibility, indicating that by the early centuries CE the category had become a stable, if narrow, juridical classification rather than a purely descriptive or mythological one.

The Arthaśāstra, a statecraft and administrative manual traditionally attributed to Kauṭilya and critically dated by Kangle (1965–1972) to a composite period between roughly the 4th century BCE and the 2nd–3rd century CE, contains scattered references to kliba individuals in the context of palace administration and taxation categories, suggesting that third-gender persons occupied recognized, if circumscribed, positions within the administrative and courtly apparatus of the ancient state rather than existing wholly outside it.

4.2. Erotological Tradition

The Kāmasūtra of Vātsyāyana (dated by most philological scholarship to approximately the 3rd–4th century CE) offers the most detailed classificatory treatment of ṛtīya-prakṛti among the primary sources examined. Book Two of the text describes both a masculine-presenting and a feminine-presenting type of ṛtīya-prakṛti, details socially recognized occupations associated with each type (including hairdressing, masseuring, and performance), and treats their sexual practices as a specialized subject of erotic technique rather than as an object of legal or moral censure (Doniger & Kakar, 2002). This treatment marks a notable genre-specific divergence from the more regulatory tone of the dharmaśāstra material, underscoring the value of a genre-differentiated methodology such as the one adopted in this study.

Table 1: Third-Gender References in Legal, Statecraft, and Erotological Texts

Text (Approx. Date)	Key Term(s)	Nature of Reference	Scholarly Source Consulted
Manusmṛti (c. 1st–2nd c. CE, per Olivelle)	napuṃsaka	Inheritance exclusion; ritual and legal status provisions	Olivelle, P. (2005)
Nārada Smṛti (c. 100–400 CE)	napuṃsaka	Grounds for marriage annulment; procedural/legal witness eligibility	Lariviere, R. W. (1989)
Arthaśāstra (composite, c. 4th c. BCE–2nd–3rd c. CE)	kliba	Palace administration; taxation and household categories	Kangle, R. P. (1965–1972)
Kāmasūtra (c. 3rd–4th c. CE)	ṛtīya-prakṛti, ṣaṇḍha	Detailed typology; recognized occupations; erotic technique	Doniger, W., & Kakar, S. (2002)

4.3. Mythological, Narrative, and Popular Traditions

Beyond legal and erotological literature, the Sanskrit epic and purāṇic corpus preserves several extended narrative treatments of gender transformation and third-gender embodiment. In the Mahābhārata, the character Śikhaṇḍī (also called Śikhaṇḍinī) is born female, raised as male, and later completes a gender transformation that is instrumental to the plot of the Kurukṣetra war narrative, while Arjuna assumes the persona of the eunuch dance instructor Brhannaḍā during the Pāṇḍavas' year of concealment (Boral & Vashisth, 2023). In the Ardhanārīśvara iconographic and mythological tradition, Śiva and Pārvatī are depicted as fused into a single half-male, half-female divine form, an image widely discussed in Hindu theological and iconographic scholarship as a symbolic affirmation of gender totality within the divine (Doniger, 2009). These narrative and iconographic traditions, considered alongside the legal and erotological material summarized in Table 1, indicate that third-gender embodiment was not confined to a single genre but recurred across the didactic, administrative, erotic, and mythological registers of ancient Indian textual culture.

Table 2: Third-Gender Representation in Mythological, Narrative, and Material Sources

Narrative Source	Figure / Motif	Interpretation	Scholarly Source Consulted
Mahābhārata, Udyoga & Bhīṣma Parvans	Śikhaṇḍī / Śikhaṇḍinī	Gender transformation integral to the war narrative; elevated military role	Boral & Vashisth (2023)
Mahābhārata, Virāṭa Parvan	Arjuna as Bṛhannaḍā	Temporary third-gender persona as dance/music instructor in a royal court	Boral & Vashisth (2023)
Śaiva mythological & iconographic tradition	Ardhanārīśvara	Composite male–female divine form symbolizing gender totality	Doniger (2009)
Post-Vedic devotional & material culture (temples, votive art)	Androgynous deity representations	Visual/religious normalization of gender fluidity in public sacred space	Franicevic (2025)

4.4. Interpretation

Read together, the legal, statecraft, erotological, and narrative material suggests a historically layered rather than uniform status for third-gender persons in ancient India. Legal texts (*Manusmṛti*, *Nārada Smṛti*) show a regulatory, largely non-punitive approach concerned chiefly with inheritance and marriage procedure; the statecraft tradition (*Arthaśāstra*) shows functional incorporation into palace administration; the erotological tradition (*Kāmasūtra*) shows the most elaborated and least stigmatized typology; and the epic-mythological tradition shows both elevated symbolic status (Ardhanārīśvara, Śikhaṇḍī's decisive war role) and evidence of ambivalence (the temporary and disguise-associated nature of Bṛhannaḍā). This layered picture is consistent with Hinchy's (2022) historiographical observation that pre-colonial gender categories in South Asia resist reduction to a single continuous narrative and instead require genre-sensitive, source-critical reconstruction — precisely the analytical approach this study has applied.

V. The Findings of the Study

- Ancient Indian legal literature (*Manusmṛti*, *Nārada Smṛti*) recognized *napuṃsaka* status as a distinct juridical category from at least the early centuries CE, chiefly regulating inheritance and marriage rather than criminalizing third-gender identity.
- The *Arthaśāstra* indicates functional, administratively recognized roles for third-gender persons (*kliba*) within courtly and household structures of the ancient state.
- The *Kāmasūtra* provides the most detailed pre-modern Indian typology of *tr̥tīya-prakṛti*, describing recognized social occupations and treating third-gender sexuality as a legitimate subject of erotic knowledge rather than moral transgression.
- Epic and purāṇic narrative traditions (Śikhaṇḍī, Bṛhannaḍā, Ardhanārīśvara) accorded third-gender and gender-transformative figures significant, sometimes decisive, symbolic and narrative importance.
- The status of third-gender persons in ancient India was not uniformly positive or negative but genre-dependent, socially ambivalent, and historically variable across the Vedic, epic, and classical periods.
- Colonial legal intervention, particularly the Criminal Tribes Act of 1871, marks a documented historical rupture between the comparatively accommodative pre-colonial framework and the criminalized status imposed on hijra communities under British rule, a rupture whose effects persisted into twentieth-century Indian law and society.

VI. Recommendations

- Future research should undertake systematic philological comparison of *napuṃsaka*, *kliba*, *ṣaṇḍha*, and *paṇḍaka* across a wider range of critical editions than could be examined within the delimitations of this study, in order to refine the chronological and regional evolution of this terminology.
- Interdisciplinary collaboration between Sanskritists, historians, and legal scholars is recommended to produce updated, source-critical historical material suitable for citation in ongoing transgender rights litigation and policy formulation in India.
- Museums, temple heritage bodies, and digital archival repositories should be encouraged to make iconographic and epigraphic evidence of third-gender and androgynous religious representation more accessible for scholarly and public use.
- Educational curricula in Indian history and gender studies should incorporate accurate, source-based accounts of ancient third-gender history rather than relying on undifferentiated popular or anecdotal references.
- Subsequent studies should extend the present textual-historical method into the medieval period to trace the intermediate stages of transformation between the ancient and colonial-era status of third-gender communities.

VII. Conclusion

This study has traced the evolution of third-gender identity across the legal, statecraft, erotological, and narrative traditions of ancient India, demonstrating that *trītiya-prakṛti* functioned as a recognized, if genre-dependent and socially ambivalent, category well before the colonial period. The *Manusmṛti* and *Nārada Smṛti* regulated *napuṃsaka* status principally through inheritance and marriage law; the *Arthaśāstra* incorporated *klība* individuals into courtly administration; the *Kāmasūtra* offered the most elaborated pre-modern typology of gender and sexual variation in the Indian textual tradition; and epic and mythological narratives accorded third-gender and gender-transformative figures substantial symbolic weight. Read together, this evidence complicates any simple narrative of either uninterrupted acceptance or uninterrupted marginalization, and it firmly establishes that the criminalized and stigmatized status widely associated with hijra communities in modern India is not an unbroken continuation of ancient practice but the product of a documented historical rupture introduced under colonial governance. A historically grounded understanding of this evolution offers a necessary corrective to both anachronistic and colonially inherited framings of gender in South Asian history, and it provides a firmer evidentiary foundation for ongoing legal, social, and academic engagement with third-gender identity in contemporary India.

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