

**RESEARCH PAPER****Socio-Economic Grievances of Transgender Community in Pakistan:  
A Case Study of The Capital City, Islamabad****<sup>1</sup>Javed Ali Kalhoro\* and <sup>2</sup> Mehmood Khan**

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**\*Corresponding Author:** [drjavedali@numl.edu.pk](mailto:drjavedali@numl.edu.pk)**ABSTRACT**

Transgender community in Pakistan is one of the communities that has been side-lined from the social stream of the country. In this regard, there are numerous issues faced by transgender persons in Pakistan, to date. They often have to confront discrimination and violence, both from communities and the State of Pakistan. Such behaviour and the discriminatory social construction of Pakistani society against the community has led to a lack of quality education, unemployment, poor healthcare facilities and no legal recognition of thousands of Khawaja Saras, which ultimately results in devastating socio-economic conditions for transgender persons in Pakistan. Therefore, this study aimed to place a rational approach towards the transgender community of the federal capital city of Pakistan; Islamabad, to learn about their social and economic issues. This study also focuses on the Constitution of Pakistan with particular reference to the relevant articles within the constitution, which provide safety to each section of society. This study employs a qualitative study, followed by convenient sampling. For this study, we conducted open-ended interviews with the relevant stakeholders, along with secondary data sources.

**Keywords:** Discrimination, Gender-Based Violence, Hijra, Identity Crisis, Khawaja Sara, Khusra, Pakistan, Transgender Rights**Introduction**

The society assigns a particular sex to a baby according to his/her physical appearance at the time of birth. That particular sex becomes the identity of that person forever. When time passes by and that baby begins to develop mixed feelings, neither of a man nor a woman, the society at the time refuses to accept the transformation inside his/her body. A Transgender (*Hijrra*) is a person whose gender identity differentiates from the sex given at the time of birth. It is not mandatory that they feel the same way or as the same sex they were assigned on their birthdays. They could feel like a male, female, or something else. As a result, they experience gender dysphoria which is a situation of unease, the people who go through dysphoria try to adopt distinct names and multiple pronouns to address them.

Transgender people (*Hijrre* in plural) are often denied employment due to their misperceived and deviant image-building in society. The study focuses on the statistics of Pakistan's capital city, Islamabad. Trans- community in Islamabad can usually be found at childbirths, marriages and every nook and corner to fetch money by either performing dance programs or begging. Despite their dire will to work in markets and shops, to support their bread and butter, Khawaja Saras are denied employment in any way. Therefore, they are only left to make tabooed livelihood choices in a conservative society like Pakistan.

Additionally, there are no adequate skill development programmes organized for transgender. The matter of concern here is indeed unemployment of the transgender people but the ones who fortunately get employed somewhere, have to lose their job due to bias, harassment, and bullying. Lesser opportunities, limited employment chances and no

inclusiveness in society eventually lead them to disturbed lifestyles. In the end, they are only left with two options to earn their livelihood that are prostitution and begging.

In India, the neighbouring country to Pakistan, Transgender has an "institutionalized" recognition as the "third sex" in India. There is no doubt that they have always existed. They have also been acknowledged in Ancient Hindu scriptures. These scriptures depict that transgender persons go through the process of emasculation for the sake of *Bahuchara Mata* (Goddess of innocence and mercy), in return, they are endowed with the powers to bless people with fertility. They are associated with the worship of Mother Goddess. (Nanda, 1990) Mughal era is another evident period that acknowledged the transgender. Hijras used to guard the harems of Mughals in which ladies of Mughal families lived. Eunuchs (*Khawaja Saras*) along with overseeing harems of the ladies, could also be found working as the key advisors and servants of Mughal emperors in the sub-continent. The eunuchs were considered the most important source through which the information was carried out from the harem to the outside world and vice versa. Abu'l Fazl ibn Mubarak, the author of (*Akbarnama*) says that all the gossip about Harem that revolved in the Mughal kingdom would come out through them.

In 1857, the British dethroned the Mughal dynasty which altered the socio-cultural, legal, and political atmosphere in the sub-continent. The discriminatory laws such as the Criminal Tribes Act 1871 and the Dramatic Performance Act 1876 passed in the British era proved to be a drastic change in the lifestyles of Hijras. By passing such laws, the British Raj restricted the activities of *Khawaja Saras* and referred to them as "sodomites." These laws not only restricted their activities but also denied them the right of inheritance and respectful social recognition. From 1870 onwards, in the British era, transgender began to be considered as the children of a lesser god. It was the British who disrupted the safety and security of Hijras by giving these laws. All the protection transgender people enjoyed during the Mughal reign was snatched from them in the British era.

Over time, the trans-community lost its once recognized and valued identity and encountered various problems in their daily lives. Today, Pakistan is one of the most vulnerable countries in which not only women are struggling for their rights but other marginalized communities like transgender people have also been badly sidled from the provision of constitutional rights.

### **Sexual Indistinctness in Islam**

Transgender individuals may not identify with the sex they were assigned at birth. Some transgender people, who wish to change their sex, opt for medical interventions and are known as transsexuals. For Muslim transgender individuals, the issue of sex-reassignment surgeries poses a significant challenge as Islam law and scholarly research have traditionally considered it to be immoral and *Haram* (forbidden) in both sects, i.e., *Sunni* and *Shi'a* of Islam.

The *Quran*, the holy book of Islam, states that manhood has been exquisitely created from a male and female. *Allah* (God) clearly states in the *Surah-Al-Hujurat* (verse of the Quran) that;

"O humanity! Indeed, We created you from a male and a female and made you into peoples and tribes so that you may get to know one another. Surely the most noble of you in the sight of Allah is the most righteous among you. Allah is truly All-Knowing, All-Aware".

In *Surah-Al-Nisa* God once again emphasizes that;

"O humanity! Be mindful of your Lord Who created you from a single soul, and from it, He created its mate, and through both, He spread countless men and women. And be

mindful of Allah—in Whose Name you appeal to one another and 'honour' family ties. Surely Allah is ever Watchful over you”.

Based on the above-mentioned two verses of the holy Quran of Islam, it is evident that sex role does exist in Islam. Interestingly, the Quran does not mention anything to the contrary. Islamic juridical and social rules apply differently to men and women and such evidence can also be witnessed in the literature of the Quran. Such rules for men and women range from the initial chapters on purification to the last chapters on inheritance. There may also be validity to differentiate between cultural or psychological gender and biological sex as well. Thus, men and women differ in many ways, the *Shariah* also outlines gender roles by urging people to declare their biological sex and obey the rules which may go along with their gender. Nevertheless, it may also be accepted that gender, in its totality, is a societal notion with no evocative relationship to biological sex, as men's and women's bodies are entirely different in terms of DNA.

### **Demographic Landscape of Transgender Population**

The sixth national census in the country, conducted by the Pakistan Bureau of Statistics in 2017 was sent to the Council of Common Interests, sorting out the demographic landscape of transgender individuals in the country. According to the report, the total number of transgender people in Pakistan amounted to 10,418 individuals and mostly Khawaja Saras were found in the urban areas. The report emphasized a significant urban concentration, revealing that 73.4% of the transgender population lived in urban areas. Furthermore, according to the report, the total number of Khawaja Saras living in Punjab was 6,709 which counts 65%, Sindh resides in the second number as it had a total number of 2,527 Khawaja Saras, which counts 24%, and Khyber Pakhtunkhwa was on third number with having 913 transgender people and lastly, Baluchistan having a total number of 109 Khawaja Saras. These statistics of the vulnerable community demand serious policy-making and rigorous implementation with its true letter and spirit. (PBS, 2017).

### **Methods and Material**

#### **The Study Area**

The study was conducted in different areas of Islamabad e.g., Sector I-8, Sector F-10, Sector E-11, Sector F-6, Sector F-7, Blue Area, *Chatha Bakhtawar*, Melody Market, and Karachi Company.

#### **Sampling Technique and Sampling Size**

The researchers used the Convenient Sampling technique to conduct open-ended interviews with the relevant stakeholders. The sample size for the study was thirty participants.

#### **Procedure**

The researchers gathered all the data by themselves. They instructed participants about the purpose of the interviews and assured them that their information would only be used for research purposes. The researchers found several participants through local contacts from different areas of Islamabad. The researchers briefed participants in their native language to make them understand questions more attentively, otherwise, the interview questionnaire was originally structured in the English language.

## Results and Discussion

Due to the ignorance of the society and state, the trans-community ends up in a situation where it becomes problematic for them to earn a respectable livelihood. The transgender community has always been subjected to injustice in Pakistani society. Most people even use their names as abusive words to call someone in a criticizing manner. The prevalent discrimination does not only exist outside the family but it is something that takes place within the family also.

Moreover, discrimination and ignorance have risen to the extent that sometimes they are not able to access services like healthcare. When a community is not even facilitated with basic survival needs, how can we expect the people of that community to live happily? The transgender community is experiencing the worst conditions in all spheres of their lives. They are ignored, they face social isolation, and even their identity is in danger because misperceive their way of living.

There are other minority communities in Pakistan but the transgender community is facing severe kinds of ignorance and cruelty. The Hijra communities in Pakistan are headed by a "*Guru*" who is also one of them but mostly he is aged or senior among all living together. The other members are called "*Chellas*". In past, people used to call them on weddings and birth ceremonies on which the transgender people danced, sang and earned their livelihood. To broaden our discussion, it is also important to discuss the overall Indian society, which has direct and indirect links to Pakistan's overall social fabric.

Hatred has become an unending aspect of their lives; they experience discrimination and confront bullies in schools. This is the reason why some of the transgender people who fortunately get into schools end up leaving the institutes. Another reason explained by the transgender community which they are unable to access education is that the schools require birth certificates from them at the time of admissions and they do not have them. The unavailability of a legitimate birth certificate is because their parents feared that if their child's ambiguous gender were known by society then people would mock them, and make fun of their family. Those transgender children somehow obtain birth certificates and when their parents come to know about their actual gender, they try to hide this thing from people and do not allow the transgender children to obtain those certificates.

A combined study of human rights experiences and HIV (human immunodeficiency virus) intervention study was done through consultations with distinct sexual minority groups by Aditya Bandyopadhyay in Bangladesh the researchers say, that when a transgender community member feels like he/she is diagnosed with HIV and tries to access health facilities for HIV intervention, the person gets nothing but harassment, bullying, and sexual assault by local people. The reason why society behaves like this with them is that they have a feminine attitude which is generally considered a weaker gender in comparison with men. They are judged on their physical appearances and they are denied the necessities like healthcare which is constitutionally promised to them. Moreover, they face an enormous number of difficulties and hurdles when they try to access education employment, or other public services due to their female attitude and outlook. Homosexuals get all these things without any inconvenience because of their hidden sexual identity in the male gender.

### Transgender Protection Act 2018

In 2013, the Supreme Court of Pakistan declared that transgender community have complete fundamental rights as per the soul of the Constitution of Pakistan. Thus, on May, 8<sup>th</sup>, 2018, the National Assembly of Pakistan enacted "The Transgender Persons (Protection of Rights) Act 2018. The act states that this bill aimed "to provide for protection, relief and

rehabilitation of rights of the transgender persons and their welfare and far matters connected therewith and incidental thereto". (NA,2018).

Chapter two of the said act recognizes the identity of a transgender in the following manner;

"A transgender person shall have a right to be recognized as per his or her self-perceived gender identity, as such, in accordance with the provisions of this Act."

The Transgender Persons (Protection of Rights) Act 2018 in Pakistan is considered a significant step forward in advancing transgender rights. It was formulated and supported by a diverse group of stakeholders, including transgender rights activists. The act provides crucial protections, such as defining a transgender person and granting access to legal gender education and employment and prohibits discrimination. However, in 2023, the Federal *Shariah* court (Islamic court in Pakistan) turned the Transgender Persons (Protection of Rights) Act 2018, as "Un-Islamic" and struck the bill down. (AP, 2023). The court believed that "a person cannot change their gender on the basis of "innermost feeling" or "self-perceived identity" and must conform to the biological sex assigned to them at the time of birth".

### **No Implementations**

Upon asking questions from respondents about their social acceptance, financial management, and standards of living, most of the respondents stated that this society no longer accepts them for traditional work and prostitution and begging have become their only two professions. The most important matter of concern which disturbs transgender community is their social exclusion. They are not only excluded from the society but from all the social services. They want the government to look after their matters and provide them with practical solutions not just documentation of policies. Several transgender people told the researchers that they are now tired of giving interviews. Furthermore, they stated that they have given hundreds of interviews to people from educational institutes and organizations but no absolute initiative has been taken for their betterment.

### **Societal Behaviors**

One of the respondents Anaya, 30-year-old told the researchers that they only demand respect and social acceptance from Pakistani society. She further stated, "We transgender people do not disrespect anyone whoever he/she is. We respect everyone because they are created by Allah Almighty and the same is the case with us (transgender people). Allah also creates us and we are human beings too." She told the researchers that Islamabad police and administration tease them, and arrest them without any solid reason. She further added, "Islamabad police capture us for begging and after that, they demand us to hand them over all the money we have collected. When we ask police the reason for arrests, they deliberately accuse us of prostitution and other crimes which we do not even commit." Upon asking about constitutional protection, Anaya responded that the constitution is just a piece of paper, until and unless the laws are not properly implemented.

### **Daily Life Confrontations**

Another respondent named Mano; a 38-year-old person, told the researchers "Daily we encounter hundreds of people asking them to help us financially because it is the only option we have. All of them are not that welcoming and kind-hearted but we are compelled to ignore those interactions which dishearten us." She further added, "I got terrified when I saw you coming towards me, I thought that you were one of them (police/administrative departments). I was about to run away when you tried to come closer to me. The police arrest our community members for no reason and snatch every penny we have collected.

There is no assistance provided to us by the government. Upon asking for the funds announced by the government of Pakistan, Mano told the researchers, "I have not received any funds from the government. Not just me but none of my community members whom I know have received any funds. Our only source of livelihood is begging and the government does not even let us do that peacefully."

### **Per-day Low Earnings**

The researchers met another transgender named Soni Khan, 26 years old in the F-10 sector of Islamabad who wished to participate in the study as an interviewee. Upon being asked about her daily income, she told the researchers, "Normally, I earn up to 700 to 1000 daily. From that amount, I have to manage my meals and pay some amount to my guru (head). I also have to afford my transportation expenses with that money. In the rural areas, people used to call us at weddings and functions for dance performances but in cities like Islamabad, there is no other option for us than begging for earning money."

### **Conclusion**

The present study has found some noteworthy facts related to the vulnerable and side-lined community of Pakistani society, the transgender community. Pakistan is a country with an already low literacy rate and has a lack of awareness that considers the natural birth of this third gender as a disgrace to society. The most significant factor is that the parents themselves refuse to own their transgender child which results in their social isolation and exclusion from society. The majority of parents give their transgender children to adult transgender persons known as "Gurus". Transgender people often visit newborn babies' homes and if they find it, they take the transgender baby with them with the consent of their parents. The general behaviour of society which includes mocking this segment, and not letting transgender people enter even religious places depicts how poorly they are accepted in society. These kinds of circumstances lead to several socio-economic and even psychological problems among transgender.

### **Recommendations**

Following are the inclusive recommendations to provide social and financial protection to transgender:

- The 1973 Constitution of Pakistan guarantees the basic fundamental rights to all citizens regardless of gender. The problem is the lack of implementation of the existing policies in their true letter and spirit. The results of this study strongly recommend taking action to ensure the inclusion of the transgender community in every domain of life and the implementation of prevailing welfare policies for the transgender community.
- The Sindh Government has announced financial assistance schemes for transgender persons through the Benazir Income Support Program. Besides, they will be given a 0.5% quota of government jobs. Every province in Pakistan should introduce such policies for the transgender community.
- New policies and laws should be made to ensure equal representation of trans-community in getting actual equivalence in opportunities and freedom. They should be completely free to exercise their fundamental rights.
- The study also highly recommends reviewing laws and policies on physical and sexual attacks to make them more inclusive not only towards men and women but also transgender persons.

- The Local Government Amendment Act reserved only 1% of seats for transgender people, allowing them to play a role in the local government structure of 31 districts of Sindh. According to the Associated Press of Pakistan, the provincial cabinet discussed the allocation of reserved seats for the local council for six categories at the request of the Local Government Minister. The categories include women, and youth members (at least one seat), labour or farmer (one seat), non-Muslim members (one seat), persons with disabilities (one seat), and transgender persons (one seat). These policies should be implemented in their letter and spirit and other provinces should introduce such policies as well.
- The menaces that are destroying the ability and capacity of the transgender community are social isolation and discrimination, there is a dire need to announce social and economic empowerment schemes for the community by uplifting their social and educational status. The study strongly recommends providing them with vocational training to uplift them economically through loans and other micro-financing options for their own business.
- The majority of participants in this study also believe that the “Transgender Persons (Protection of Rights) Act 2018” was a sensible move towards resolving the problems being faced by the transgender community. Thus, the Government of Pakistan must take some conducive steps to implement the bill accordingly

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