

PROVISION OF RIGHTS AND SOCIETAL BEHAVIOR TOWARDS *HIJRAS* OF ISLAMABAD

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ABSTRACT

In Pakistan hijras (transgender people) live in the form of groups. When parents come to know that one of their children is hijra, they start to hate and abuse that child. They feel insulted to have a child who is neither male nor female. Other family members and relatives also exploit them. Due to this attitude of family, hijra youth leave their homes and start to live in the hijra community in the city. This study explains the given phenomenon in detail with some specific objectives. The objectives of this study are to explain the provision of basic rights to hijras and the problem faced by hijras in Pakistani society. How people behave with hijras is also among the objectives of this study. Qualitative research methods have been used to answer the questions in the present study. In this study, framework analysis tool has been used under the thematic analysis approach of data. Results of the present study revealed that hijras are the most misunderstood and socially excluded group of society. They are marginalized at every stage of society and not given basic rights. People are not willing to accept and give rights to them. The authorities, especially the police abuse them physically. Due to this societal behavior, hijras are involved in prostitution, drinking, and smoking. They get involve in these activities just because of their marginalization and lack of basic rights. This study concludes that there should be proper rights for the hijra community.

Keywords: Gurus, Hijras, Islamabad, Marginalization, Rights

INTRODUCTION

Hijras are people who do not fit in the binary division of males or females. A lot of scholarships indicate their historical legacies and lineages. These scholarships also show that their rights were once secured, and they used to get respectable jobs. Recent studies, however, depicted their debilitating societal status and limited income-generating options. Richardson's study (2010) mentioned that about 1 % of the overall world population are *hijras*. From a biological perspective, a person who has XY chromosomes is called a male, while a person having YY chromosomes is called a female but some people have XXY or XYY chromosomes. These people have no clear identity of male and female due to which they are called intersex. According to some medical experts, this imbalance of chromosomes is due to the use of some medicines during pregnancy. Some researchers assert that there is a link between brain structure and *hijra* identity. Scholars of history, sociology, and anthropology such as Sharma (2012) explained that the word eunuch was originated in the 9th century BC in Greek, which mean 'Bed Keeper'. During the Mughal era in the subcontinent, *hijras* were considered trustworthy and some rights were given to them. They were given jobs of security guards for the wives of kings and they also played an active role in administrative affairs.

According to Nanda (1994), *hijras* are neither men nor women. Among their variant forms of an economic organization include their performances at the birth of a male child and collecting alms on streets and bus stations. People celebrate the birth of a boy. During this celebration, *hijras* bless the child and entertain people at the homes of newly born male babies. Hijras receive cash (*badhai*) and some other gifts at the time of this celebration. A *hijra* is selected as a *guru* (teacher) on a seniority basis and *chellas* (disciples) live under the supervision of *the guru*. Chellas learn ways of earning from their *gurus*. Guru has respect in *hijra* community because of seniority in age and experience. Jami (2005) argues that in Pakistan, people who have not developed recognizable male or female gentiles by birth are called *khusras* or *hijras*, hermaphrodite, or intersex. They mostly ask for *badhai*

on the birth of male children and marriages. Crossdresser or transgender is also included in the category of *hijras* and mostly *zenanas* are called crossdressers. All these people earn through street begging or by working as sex workers. They form their groups under *gurus* who are experienced leaders and live as *chellas* (disciples) under the supervision of those *gurus* (Jami, 2005). According to Abdullah et al. (2012), it is embedded in the mindset of Pakistani people that there are only two genders; male and female. Broadening the binary classification of gender, Abdullah et al. (2012) highlighted that in Pakistan, there are genders other than this binary division, and local vernaculars for *hijra* such as *khusras*, *murats* and *khawaja saras* are also being used.

In the light of the above discussion, the current study investigated the provision of rights to *hijras* and also the attitude of local people to them. This study explains that how families and other members of society treat *hijras*. There is a dearth of research on the rights of *hijras* in Pakistan. In this regard, this research intends to produce and add some new body of knowledge about *hijra* rights in the Pakistani context.

REVIEW OF LITERATURE

Hijra is a disputed term. In the late nineteenth and early twentieth-century, term transvestite was used for those who dressed in opposite sex clothes. Hijras originally were those who wished to change their biological sex to match their gender identification. It includes those who wear clothes of other gender and undergo or wish to undergo surgical procedures to transform their bodies to fit themselves in perceived gender. Some male-to-female transgender people exchange sexual services (Howe et al., 2008). Khan et al. (2009) explained that historically *hijras* existed in many cultures as there were *balka* in the Philippines, *Xaniths* in Oman, and *Serrers* in Kenya, *Hijra*, *Jogappas*, *Jogtas* and *Shive-Shhaktis* in South Asia. Understanding of *hijras* varies from culture to culture, but almost in every country, they are marginalized and exploited. Hijras are exploited by their own families as they are not allowed to participate in the functions of their relatives such as marriages. Authorities especially police abuse them physically, sexually, and verbally. This attitude of people towards *hijras* shows their miserable socio-economic conditions. Due to this attitude of people, *hijras* involve in prostitution which makes these people susceptible to acquiring and transmitting HIV/AIDS.

According to Masood (2014), in the pre-colonial period especially in the Mughal era, third gender people were given rights but their marginalization began during the British period. Despite their importance and rights in the Mughal era, people have not changed their attitude toward these people. In 2009, government of Pakistan ordered NADRA (National Database and Registration Authority) to issue national identity cards to *hijras*, recognizing their identity of the third gender. Masood (2014) further explains that in a Pakistani society, *hijras* are still marginalized, local people resist *hijra* rights and are not willing to treat them like other human beings. While in Western cultures, they are given basic rights. According to Sathasivam (2011), *hijras* are persons whose appearance and behavior differ from the stereotype of how men and women should be. Hijra is an umbrella term that includes many categories. Society only accepts males and females as human beings. All others who do not fit into this binary are not considered human beings. It is the reason that people change their behavior to *hijras*. People start to violate and marginalize these people on social, economic, political, and cultural fronts.

According to Abdullah et al. (2012) behaviour of family members and other people force *hijras* to leave homes and live with those who respect and accept them. They form groups in which they select their leaders called *gurus* and become their *chellas* (disciple). Major sources of their income are begging, dance performance on marriages, and the birth of a male baby. They are abused by family members and class fellows (if they manage to go to school). They are not given jobs, and other employment opportunities are also meagre. In any case, if they find a job, their colleagues torture them, and they finally quit the job. The same is the case with them in the health sector. Doctors are not willing to treat them properly especially in public hospitals. Despite some legislation by governments, there is still exploitation of *hijras* because people have not changed their attitude towards them. Chaudhry et al. (2014) argued that historically *Khawaja-saras* were respected and some jobs were given to them as guardians of royal harems and they also worked as watchmen. They were trustworthy in those times. But in recent times they are not given even basic rights and forced them as sex workers, beggars, and entertainers. Especially in Pakistan, their condition is miserable and there is no right for them.

Hossain (2012) explains that in South Asia, *hijras* are male who identify themselves as females and have sacrificed their male genitals for a goddess for spiritual power. Throughout Asia, they are marginalized and exploited. There are two types of *hijras*: one is emasculated (who sacrifices his/her male genitals to the Goddess) and the other is non-emasculated (who is born as a male but identifies himself as a female). They are marginalized and not given rights. According to Mohyuddin (2013), it is estimated that 2 to 3 percent of males are involved in cross-dressing throughout the world. Those who are less than 18 years of age are *kachay* (young). They live under the protection of their *gurus*, while those who are above 18 years of age are *pakkay* (adult). They live in groups and had other occupations in their past. There is a *yar* making ritual in the *hijra* community which is the same as marriage ceremony, but marriage is a union of two opposite sexes, and *yar*¹ making is among the same sexes. Hijras make friendship with males and also exchange gifts with those male friends. They share everything with their friends and respect them. *Yar* has importance in the lives of *hijras*. According to Nanda (1990), *hijras* earn through begging, dancing at marriages and the birth of a male baby (*badhai*). They visit their neighboring maternity hospitals and houses in order to find out that when and where a marriage ceremony will be celebrated. Parents and relatives of newly born male babies and grooms give them money and other gifts. They go in the form of a group towards a family where a male baby is born or a wedding ceremony takes place. Aggleton and Parker (2002) explained that in India, third gender people are neither male nor female (containing elements of both). It is believed that *hijras* are males who wear female dresses and undergo emasculation. There is the importance of the relationship of *guru* and *chella* in *hijra* community. *Gurus* are teachers and masters, while *chellas* are disciples. Local people also believe in their power of curse (Aggleton & Parker, 2002). Due to their power of curse; they are given money at the birth of male babies, wedding ceremonies, and other celebrations.

Mariam (2013) explained that in the West there is a binary view of sex and gender that there are only males and females. All others who do not fit into the category of male and female belong to the third gender or the others. In the West, they are given importance and rights. While in Eastern cultures, especially in the sub-continent, there is acceptance of male and female only. All others who do not fit into these binary divisions are not accepted. They are marginalized and violated by every member of society. Mariam (2013) further explained that in the sub-continent, major role of *hijras* is performing in functions. They perform in the streets, at wedding ceremonies, and the birth of male babies. There is no job and participation for these people in the economic system. It is believed that they have no ability and cannot do anything except performing in functions. In India, recently some civil society organizations have taken some active steps for the rights of *hijras*, but there is still violation of *hijras* rights. Their marginalization is bad for society at large because they get involved in illegal activities which affect overall social order and morality.

According to Swararao (2016), human rights are inherent to every human being that is required to be fulfilled without any difference based on gender, sex, residence, nationality, religion, color, and other categorization. Human rights are not based on any type of discrimination and are equal for every person. In the sub-continent, *hijras* are not given rights including basic human rights. Hijras are abused in society especially at common places such as bus and railway stations, schools, workplaces, and hospitals. Swararao (2016) further highlighted that Shabnam Mausli Bano was the first *hijra* in India who was elected in public office. In India, *hijras* were given the right to vote in 1994. Shabnam Mausli Bano was the elected member of the Madhya Pradesh legislative assembly from 1983 to 2003. Her father was superintendent of police. She attended the school just for two classes but could speak twelve languages which she learned while she traveled to different countries. In 2003, *hijras* of Madhya Pradesh announced to establish their political party with the name Jiti Jitayi Party (JJP). It shows that *hijras* can get an education and take part in political activities if they are given opportunities.

According to Melendez and Pinto (2007), when rights are not given to Male-to-Female (MTF) transgender people, they involve in activities that are harmful to society. After facing discrimination from society at large, they fall for a male companion and act as females themselves. These men function as an instrument of social and financial security for these transgender persons. Transgender also fall for them because these men treat them just like females. They also get involved

¹ Yar is a bosom friend

in unsafe sex during their friendship/love phases. Through practicing unsafe sex, HIV/AIDs can spread which can be acquired from and transmitted to the general population as well as most of these men are heterosexually married and practice unsafe sexual activities with other transgender persons and female sex workers. Melendez and Pinto (2007) further explained that economic discrimination against *hijras* is a major source of the spread of HIV/AIDs. When there is no earning source for *hijras*, they start practicing unsafe sex with other people to earn money. They also start drinking and smoking after involving in immoral activities (activities that are morally forbidden). This involvement of *hijras* in unsafe sexual activities and also in smoking creates a problem for other people in the society.

Johnson (2011) explained that like discrimination of *hijras* in every field of life, there exists discrimination against them in the employment sector as well. Several high-profile terminations of *hijras* from employment have occurred in the last few decades in the United States of America. Some of the terminations were in the private sector, some were in the public sector, and some were in the higher education department. All these terminations present a case for social equity policy. In 2007, a Professor and an Associate Dean of Spring Arbor University was terminated because he decided to change his gender. He was terminated despite being a celebrated scholar. It shows the miserable condition of *hijras* throughout the world. They are not given proper rights for their survival. Johnson (2011) further explains that first there is a need to make people aware of the rights and identity of *hijras*. Existing literature primarily focuses on race and ethnicity of *hijras*. The identity of *hijras* is missing from social equity literature. In this regard, there is a need to create awareness about the rights of *hijras* through literature.

In literature, there are commonalities drawn between *hijras* of South Asia and *Xanith* (*Khanith*) of the Middle East and North Africa. *Xanith* is referred to as a person of third gender role who has historically been economically positioned to work as 'male servant' or 'homosexual prostitute' or both (Murray, 1997). He does not bring about changes in his bodily attributes or physical characteristics but dresses mostly as a woman does. Men wear long white tunics, whereas women wear tight waist patterned colorful clothes. *Xanith* wears colored tight waist long ankle-length tunics (Murray, 1997). Women prefer long and men prefer short hair, whereas *Xanith* cuts medium-length hair. Men and women cover their heads, *Xanith* leaves theirs uncovered. Both sexes use perfumes, but *Xanith* uses heavy makeup and perfume to draw male attention (Murray, 1997). His mobility among women is not restricted. They are allowed to be part of female gatherings serving the needs of female ceremonial activities. They can easily move among men during the day, but at night they restrict themselves from moving freely. Their occupations (male servants and prostitutes) are unacceptable for the other two genders. Women are actively involved in household/domestic work, but they are not employed as domestic servants. Murray (1997) explained that these common features between *hijras* and *Xanith* may be the result of historical links between Oman and Pakistan. From 1784 to 1958, Pakistan Port of Gwadar belonged to the Sultan of Oman who historically and traditionally traded with Sindh. In close vicinities across the Arabian Sea, *Xanith* lived in Sohar and *hijras* in Pakistan. Even today cross-cultural exchange takes place between Oman and Pakistan, particularly Sohar is famous for ethnic and linguistic diversity, and Pakistani workers and Baluchis are living in Oman. Such historical, mercantile and cultural exchanges may have shaped some of the congregating gender roles of both *Xanith* and *hijras* (Murray, 1997).

Similarly, in many ways, *Xanith* and *hijras* are like *washega* or *shoga* of Mombasa. The term *shoga* is used in the Swahili language which culturally refers to a homosexually active male bearing characteristics of a female (Murray, 1997). The term also was famously used among women to refer to a 'friend'. And most of these liaisons comprised of relationships between poor feminized young males (*shoga*) and their older patrons generally known as *basha* (derived from Pasha meaning king). Most of these relationships were temporary but some developed into permanent ones with long-term financial support guaranteed from their patrons. *Shoga* plays a passive sexual role with his *basha* who play an active role. In present-day debates on sexual roles, passivity is considered to be highly stigmatized predominantly in male-male sexual links. But culturally it has not been passivity in sex, rather payment without the emotional attachment that brings inferiority to *shoga* of Mombasa (Murray, 1997). This provides an explanation of *shoga* to long for emotionally charged relationships where if monetary support happens then it does not bring shame to them (Murray, 1997).

According to Briones (2011), in the Philippines, *hijras* are exploited both economically and culturally because of their *hijra* identity. In the Philippines, they are allowed to earn through menial jobs. They are allowed to wash and sew clothes for people. Despite involvement in inferior and low-quality work, they are willing to continue their employment in those fields for survival. Hijras believe that they have no education and resources so it would be better for them to work in those inferior fields for their earning and survival. There is no respect for them in society and their families. The condition of *hijras* in the Philippines is miserable and they suffer a lot. Briones (2011) further explained that government is willing to take active steps for their rights but till now they are suffering. They are willing to work as cooks, dishwashers, and cleaners but no one is willing to hire them. In any case, if they are hired, they are given low wages and often abused by a person who hires them.

Moreover, Burdge (2007) argues that *hijras* are the most misunderstood group in a society. Young gender nonconformists are facing many problems. They are oppressed and marginalized for violating traditional gender roles. Families are not willing to provide them with protection and rights. Parents hate them and force them to leave their homes. These young *hijras* are oppressed and abused physically, mentally, and sexually. Due to this miserable condition, many of the young *hijras* ran away from their homes in the search of a better life, but end up in homelessness and prostitution. This marginalization and violation of *hijras* start from their own homes. After running away from home, they start to live with other *hijras*. They start to earn through prostitution, dance performances, and beggary. Burdge (2007) further argues that due to this miserable condition, they experience depression and low self-esteem. There is no sense of freedom among *hijras* due to their marginalization and violation. The attitude of local people makes them criminals and they get involved in illegal activities.

Singh and Jackson (2012) support the argument of Burdge (2007) that *hijra* youth is not given the right to education. They are not allowed to go to schools for education. In any case, if they go to schools, there is a lack of support for them by educators. In recent times, there is some legislation for their right to education. Former President of the United States of America, Barak Hussain Obama appointed Kevin Jennings as an assistant deputy secretary for safe and drug-free schools. The United States of America is focusing on the provision of education for *hijra* youth. It is making some arrangements for provisions of education to young *hijras* same as other children. Singh and Jackson (2012) further explained that there is a need to take some other steps for the schooling of *hijras*. There is a need for revision of the school environment so that *hijra* youth can get an education.

The Constitution of any country consists of regulatory laws that set prerequisites for the making and execution of laws. Among rights satisfied by the constitutions of a country are the legal rights that help meet certain material needs or desires of citizens, for instance, the right to have access to adequate housing or to make full use of existing resources to realize these legal rights. Social rights as defined by the Universal Declaration of Human Rights (UDHR) consist of the 'right to life, liberty, equality, freedom of movement and citizenship'. These also include social rights which consist of the right to social security, right to work (including just working conditions and protection against unemployment), right of every person to a standard of living which is adequate for him and his family's well-being (such as food, clothing, housing, medical care, and necessary social services) and right to education. Constitutionalization of these social rights is mandatory for the securitization of sexual minority rights. Similarly, recognition of their political rights is critical for their security. Among these political rights are: prohibition of hate crimes and hate crime laws, anti-discrimination laws and policies, provision of medical care facilities, right to vote, contest and form a political association/ organization in an election. According to Turner (2007), gender rights are so powerfully recognized in American society that when someone tries to transgress openly, that person is discriminated against and punished at every level of society both at home and workplace. Title VII of the civil rights act of 1964 of California prohibits any type of discrimination based on sex at the workplace.

Every person has the right to standard living which is adequate for wellbeing and one's health and one's family, including medical care, food, housing, clothing, and other social services. It also involves the right to security in case of unemployment, old age, widowhood, sickness, and lack of livelihood in circumstances that are out of a person's control (Baral et al., 2011). 1976 article 12 of International Covenant on Economic, Social and cultural rights (ICESCR) speak most specifically about the right to health. ICESCR refines the right to health by stating that it is the responsibility of

the state to provide everyone with the right to standardize physical and mental health (Baral et al., 2011). United Nations General Assembly mentions that provision of a fundamental right to every human being is the responsibility of the State. In 1948, article 25 of the Universal Declaration of Human rights (UDHR) articulates that every person has the right to a minimum living standard which includes access to basic health care (Baral et al., 2011). The above-mentioned concepts of Swararao (2016) and Baral et al. (2011) have provided space to understand that human rights are equal for all human beings without consideration of gender, sex, caste, creed, color, and class. It also shows that it is the responsibility of the government to provide basic rights to every member of society. In this way, the rights of *hijras* could not be denied because they are also human beings and also have the right to avail all basic facilities which are necessary for survival in society. The concept of Turner (2007) provides a deep insight to understand the attitude of common people and authorities towards the *hijra* community. It also explains that despite the availability of some laws for the wellbeing of the *hijra* community in the employment sector, they are not given opportunities and are still exploited at the workplace. These concepts are helpful for the current study to understand the provision of rights and attitudes of people towards the *hijra* community.

METHODOLOGY

The present study was conducted among the *hijra* community residing near the Sufi shrines of Bari Imam and Golra Sharif in Islamabad, the capital of Pakistan. These locations were selected because *hijras* live near Sufi shrines in each of the two sub-locales. This study is qualitative and an explanatory research design has been used. In this study, an explanatory research design is used because the focus of the present study is to explain the provision of rights to *hijra* and the attitude of society towards them. A sample of 40 respondents (12 *gurus*, 24 *chellas* and 4 chief *gurus*) was selected through purposive and snowball sampling techniques. Primary data was collected by targeting chief *gurus* (key informants), *gurus* and *chellas* in the *hijra* community. Data was collected through unstructured and semi-structured interviews and participant observation methods. Data was analyzed through a thematic analysis approach. Framework analysis tool was used under the thematic analysis approach for the analysis of data. Transcription, familiarization with data, indexing, coding, and identification of themes are steps undertaken for carrying out framework analysis.

RESULTS

Hijras and their Families

The exploitation of *hijras* starts from their homes. Parents and other family members think that young *hijra* is the cause of insult to other people and close relatives. They try their best to keep that child away from interacting with other males and females. If parents are willing to treat the young *hijra* like other male and female babies, people think that they are shameless. It is the reason that parents change their attitude towards young *hijra* due to societal pressure. In this way, a young *hijra* is not sent to school. Each member of the family and relatives abuse them physically and mentally. Whenever a young *hijra* goes outside, other children and people also abuse him. This attitude of people forces young *hijra* to leave home and live with those who respect them and care for them. One of our respondents said that he left his home at the age of 15 years due to exploitation by family and friends. He was physically abused by his father at the age of 12 years. Then he was sexually abused by one of his relatives. After that, he was sent to school where his teacher abused him sexually. Then he went to a tailor shop for work where he also was abused sexually by his master. After being sexually exploited several times, he decided to leave his family. He went to a *hijra* community (*dera*) and started to live there with other *hijras*. In *deras*, they are welcomed. Due to the social acceptance and positive attitude of the *hijra* community towards them, they start to live in that community permanently. In the *hijra* community, they live as *chella* (disciple) under the supervision of a *guru* (an experienced and old *hijra*). *Guru* guides and takes care of *chellas* just like their parents do. After joining this community, they start to earn and live in their own way which they think is suitable for them. When they leave their homes and join the *hijra* community, their parents and relatives do not stop them from leaving their homes. After joining *dera*, they get involved in prostitution, alms collection, and dance performance. After leaving their homes for good, *hijras* are not allowed to participate in family functions like wedding ceremonies of close relatives even they are not allowed to come back to their homes when their parents die. It shows that the exploitation of *hijras* by families

does not end after leaving their homes. Their families are only willing to accept them if they act like males otherwise there is no space for them in the family.

Societal Behavior towards Hijras

After joining the *hijra* community, they look out for earning livelihood where they are not treated well by people. People abuse them physically, sexually and mentally. The most important thing is that they are marginalized by authorities like police and doctors. Police snatch the money which they have earned. One of our respondents requested us to report government about the attitude of the police towards *hijras*. Police put them in jails without any reason and abuse them physically. In the health sector, *hijras* are also exploited. It was also reported by one of the respondents that when they visit hospitals for treatment, doctors do not treat them as normal people. They are not given proper treatment even though they are willing to pay a high fee. This apathy towards *hijras* by hospital patients was also reported by another respondent. It was also mentioned by the respondents that they are exploited in schools. They are ridiculed by students and teachers alike if they manage to secure admission in a school. This attitude of teachers and students force them to leave the school.

The efforts undertaken at institutional and governmental levels have not resulted in curbing discrimination, ostracization and violence against transgender people. Masood (2005) mentioned that the government of Pakistan ordered National Database and Registration Authority (NADRA) in 2009 to issue identity cards to *hijras*. It was reported by one respondent that despite taking this step for recognizing the identity of *hijras*, local people did not allow them to get identity cards. Hijras were ill-treated outside the NADRA office when they went for the issuance of identity cards. Those who managed to secure any jobs were offered low wages, and the employers and colleagues at the workplace made sexual advances to them which threatened and disappointed them to leave their jobs. It revealed that the attempts to integrate the transgender community with the wider population are obstructed by the societal apathetic response. It can also be substantiated by the *hijra* respondents who claimed that when they went outside for alms collection and dance performance, they are sexually abused on roads and in functions. Mostly *hijras* live in groups in well-knitted *dera* communes. They choose to live in communes because of the fear of abuse and exploitation associated of living alone.

Lack of Employment Opportunities for Hijras

Hijras are not given employment opportunities. They do not have access to resources and jobs. There is no quota for *hijras* in jobs. There is no opportunity to work for *hijras* in both the private and public sectors. Hijras are willing for low wages jobs but they are not given opportunities. They are also not given opportunities to work as a homemaker. Due to lack of opportunities, employment, and economic resources, earning livelihood becomes the most compulsive issue for *hijras*. When they are not given opportunities, they earn their livelihood in whichever way they can. They earn through dancing at the birth of a baby boy, wedding ceremonies, and also other functions which people arrange for celebration. They dance on the birth of a baby boy and get paid, and receive gifts from the relatives of a newly born baby. In the same way, they dance wedding ceremonies and get money from friends and relatives of the groom. They also earn their livelihood through alms collection and prostitution. The respondents reported cases of being beaten up on roads when they went out for alms collection. People believe that *hijras* have no intrinsic ability and potential for progressive work. This is the reason that due to which *hijras* are not given opportunities to show their abilities. There are limited sources of earning available (dance performance, alms collection, and prostitution) for *hijras* which shows their miseries.

Their sources of income are not reliable and there exists no real stability to their earnings. When *hijras* get older, this problem increases because they cannot earn their livelihood in old age. They cannot go outside for alms collection and dance performance and also no one takes the responsibility of feeding them at that stage. So it becomes very difficult for them to survive in old age. While on the other hand, during young age, they can earn through prostitution, dance performance, and alms collection.

Impact of marginalization on Hijras

The marginalization of *hijras* by society leads them to social exclusion and frustration. They get mentally disturbed by the negative and exploitative attitude of people towards them. Due to

marginalization, they do not trust anyone. Even if someone reaches out to them for their benefit, they take some time and verify properly who that person is and what his/her intentions are. Marginalization makes them believe that no one is their well-wisher due to which they cannot trust any person. When they are not given opportunities in the employment sector, they get involved in activities such as prostitution which increases their vulnerability to HIV/AIDS. Prostitution leads *hijras* towards drug use. Some *hijras* believe prostitution is not a bad option for their survival because people visit their *deras* and give them money, whereas leaving *deras* for earning can be (and in many reported cases is) dangerous as it increases the chances of their physical exploitation and violence against them.

DISCUSSION

About its articulation with the discourse of Development Studies, the Human rights-based approach has now become a part of the development mainstream. International rights are framed as a set of universal standards which are recognized in the form of agreed-upon legal treaties. International development agencies such as USAID, UN organizations, British Department for International Development (DFID), and SIDA have adopted a rights-based approach to development. These organizations have made development programming conditional on the country's human rights record. Oxfam, Amnesty International, CARE, and Save the Children are other transnational Nongovernmental Organizations that have promulgated human rights and their functioning in its planning and programming. Broadly classified by a substantial corpus of international human rights literature, development organizations classify rights into civil and political rights, social and economic rights, and social and cultural rights.

One of the postcolonial critiques on this western conception of human rights is its hegemony. Strong criticism is grounded on the ways these rights are structurally organized into three classifications without caring for the overlaps and the inherent fluidity within these. Western conceptualization of human rights is based on a western legal system that stands against the communitarian values of non-western legal systems that are embedded in Islamic, Hindu, Buddhist, or Confucian schools of thought. Western conceptualization and treaties based on these focus on the recognition of rights for those who qualify as citizens of these countries but stays silent on people who are illegal migrants, refugees, or sexual minorities. Since transgender people constitute a group of sexual minorities residing in Pakistan and most of them have their identity, hence for the recognition of their rights, citizenship is essential. Western conception also rubs it onto the non-western 'culture' for the violence perpetrated against women and sexual minorities (including male-female transgender persons) and this structural violence hinders the recognition and provision of basic human rights. The postcolonial critique against it is that this structural violence is not always institutionalized by culture, rather it can be due to reasons as variant as societal, socio-economic, and institutional which can also be illustrated by the study's findings on employment and education of transgender persons. In the light of the above discussion and study's findings, it can be elucidated that a grounded human rights approach for sexual minorities is required for the recognition of their rights; one that is based on Pakistani social realities and situated pragmatically on the socio-cultural landscape of transgender communities.

In this study, lack of provision of rights to *hijras* and their exploitation has been explained. Descriptive analysis of data shows that *hijras* are members of society, but they are exploited and marginalized in Pakistan. Their marginalization starts right after their birth and continues till their death. Their families do not accept them and their marginalization starts from their homes. After leaving homes, their exploitation does not end. They are exploited at every stage of their life; even their basic rights are denied. *Hijras* are abused physically, mentally, and sexually. The government and local people are unwilling to provide them with even basic rights. Due to lack of access to basic rights and experiences of exploitation, *hijras* get involved in activities that are not acceptable for society. In this way, they create problems for other people by getting involved in illegal activities.

The most important step which is required for the rights of *hijras* is to make people aware that *hijras* are also human beings and they deserve basic rights like other males and females. Government should take some daring steps for the provision of rights to *hijras*. There is a need to make people aware of the rights of *hijras* so that people change their attitudes towards them. In this regard, media

and some civil society organizations can play a positive role by creating awareness about the rights of *hijras* and by showing miserable conditions of *hijras* to the government. Government should take some steps for the provision of identity cards and specification of jobs quota for *hijras*. There should be proper security given to *hijras* and those who abuse them should be punished.

CONCLUSION

In Pakistan, *hijras* are not given importance and opportunities. They are ill-treated at both societal and governmental levels. The public is unwilling to trust them. They leave their families and start to live in the *hijra* community. This study confirms the existing scholarship which asserts that *hijras* are exploited and not given even basic human rights. Due to lack of opportunities, they are wasting their lives in less productive activities. They are unable to use their potential in productive activities (activities which are helpful and suitable for society and *hijras* as well) because of a lack of opportunities for them. Hijras remain busy performing in function and prostitution. Earning is of paramount importance for these people and every activity which is linked with earning is important for them. They are willing and also have the potential to take part in the socio-economic and political wellbeing of the country if given chances properly. Despite their willingness, there are a few opportunities for them which is a major cause of their marginalization. Some active and daring steps are required to make them able to take part in the socio-economic and political development of the country. Despite their willingness for becoming productive citizens, people think that they are a burden to society. This negative attitude of people towards them leads them to activities that are harmful for both *hijras* and the society such as the spread of sexually transmitted diseases.

POLICY RECOMMENDATIONS

The ability of a person cannot be judged without the provision of opportunity. By keeping in mind these things, there is a need to provide opportunities to *hijras* so that they can show their abilities. It is the responsibility of the government to take some active steps for the provision of opportunities to *hijras*. If opportunities are given to them, it would be helpful for local people and the government as well. Those who are involved in the marginalization of *hijras* should be given punishment to set an example for the rest of society. Government should ensure the provision of basic human rights to *hijras*. There is a need to create awareness among people that *hijras* are also human beings. When *hijras* would take part in the production sector, productive output would also increase because of the work of more people. Due to their involvement in the production sector, productivity and income of the country would be high. In this way, it is necessary to provide opportunities to *hijras* so that they can take part in the progress and development of a country.

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