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Eunuch and transgender persons: Repositioning of hijra identity in post-colonial Pakistan

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This article is based on data, which I have collected for my PhD research on the topic of “Transgender and Human Right Issues in Pakistan”. This research study follows constructionist grounded theory and gathered data through qualitative research methods, i.e. In-depth Interviews (IDIs) and Biographic Interviews. In this article, I tried to answer the question ‘How current legislative bill for the protection of transgender - presented in the Senate of Pakistan in 2017-2018, define hijra identity, which deviates from socio-cultural and religious perspective?’. The bill allows transgender to identify themselves as per their sense of identity without bringing consideration of the biological body. However, this kind of provision for the transgender identity crosses the socially constructed knowledge and Islamic jurisprudence. Where traditionally it is believed that the biological body of transgender persons determines gender identity. Therefore, those transgender persons who do not possess true hijra body, i.e. body with ambiguous sex organ cannot be termed as real hijra. Other than this, all hijras are considered as deviant. Colonial masters criminalized hijra identity due to the dominant discourse of binary of sex and gender. The same is an issue with Islamic jurisprudence, where importance is given to the body instead of a sense of self. In this case, British rulers and Islamic jurisprudence criminalized all those persons who possessed the male body and adopted feminine gender. Hence, current bill inspires from the Human Right Treaties and International Law, which acknowledge and respect the person's sense of self in determining gender identity. Therefore, one hand the bill fulfills international human right commitments. While, other hand, it deviates from the socially constructed knowledge. So, in this article I describe multiple discrepancies which exist at socio-cultural and legal level in term of conceptualization of hijra identity. First, the option for the hijra identity given by the Pakistani State for making of Computerised National Identity Card (CNIC) deviates from the actual sub-identities like Aqwa, Narban, and Khwajasara identity, which have been existing under the core hijra identity. Secondly, the identity options given by the Pakistani State those are transgender male, transgender female and third is Khunsa Mushkil. These identification categorizations are nearer to the categorization of transgender as per Islamic Jurisprudence. Therefore, in this case the state is deviating from the modern human right standards. Finally, conceptualization of hijra on the pattern of transgender bluer socio-cultural meaning associated with the hijra identity, which may vanish hijra culture and hijra as an indigenous separate identity.

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