The Rights of Eunuchs in Islam and their Status in Pakistan: A Religio-Social Review

Dr. Sajjad Hussain*
Dr. Muhammad Ashfaq**

Abstract

This paper intends to know rights of Eunuchs in Islam and their status in Pakistan. Beside man and women, this gender has also discussed and valued by Islamic Shariah where jurists paid special attention to the subject matter formulating specific chapters in their treaties. There are many international active associations and organizations working for the rights of eunuchs. Eunuchs are required to be addressed more appropriately in relation to their fundamental rights in Pakistan at social and government levels. In this analysis a religio-social review, we examined the rights of hijras within the framework of Islam and the legal landscape in Pakistan. Drawing from Quranic principles and Hadith, the research navigates the historical context and religious discourse surrounding eunuchs, offering insights into diverse interpretations within Islamic scholarship. In Pakistan, the Supreme Court's landmark recognition of hijras as a third gender in 2009 marked a significant milestone. However, this paper scrutinizes the practical implications of this recognition, addressing the persisting challenges such as discrimination, harassment, and limited socio-economic opportunities faced by hijras. Through an analysis, this research seeks to contribute to understand the rights and status of eunuchs, shedding light on potential avenues for social reform and inclusivity.

Keywords: Eunuchs Rights, Pakistani Society, Islamic Shariah, Reformation, Implementation

* Member Seerah Chair, Mohi ud Din Islamic University, Nerian Shreef, AJK, Pakistan

** Assistant Professor / HoD, Department of Islamic Studies
Mohi ud Din Islamic University, Nerian Shreef, AJK, Pakistan.

Introduction

The word *Eunuch* is a Greek origin word comes from '*Eune*'and '*Ekhein*'. The meanings of Eune are bed and '*Ekhein*' means to maintain, i.e. "bed keeper". We studied in past background that Indian state has a record of the continuation of transgender people for thousand years. By tradition, gender is dual and limited to sex categorization: male and female while transgender is a unique term used for all those who do not fall in these two groups of gender. The transgender terminology is explained as Male-to female, female-to-male, intersex, cross dressers, transsexual persons, and gender queer etc. The third gender has been given different names in Pakistan, like, *Hijra*, *Khusra*, *Khawaja Sara* e*tc*. From the early childhood, they are treated and considered offensive by their society. They face inequity in all levels in family, educational institutes, work places, parks and streets. In Pakistan, eunuchs are unique and closely knit such group as some people believe that they are blessed with the prayers of eunuch community.[1]

The relation of religious doctrines and social realities often speak about the status of eunuchs, colloquially known as hijras. Historically hijras have existed for centuries, forming a distinct gender. Islam, provides a spiritual and ethical framework that shapes societal norms. For more details, we may study, "Eunuchs in the Emirate of al-Andalus." [2] However, this paper capture attention towards an exploration of the rights of eunuchs in Islam and their current status in Pakistan, conducting a thorough religio-social review. Islam, at its core, emphasizes the dignity and rights of all individuals, irrespective of gender or sexual identity.

The Quranic principles and Hadith provide foundational values that promote justice, compassion, mercy and equality. The legal landscape in Pakistan underwent a pivotal transformation in 2009 when the Supreme Court officially recognized hijras as a third gender. This recognition was hailed as a step toward inclusivity and protection of the rights of hijras. However, the practical implications of this legal acknowledgment remain a subject of scrutiny. Discrimination, societal stigma, and challenges in accessing education and employment persist for hijras in Pakistan. The methodology employed involves an in-depth analysis of Quranic verses and Hadith related to gender and inclusivity, complemented by a review of legal documents, court decisions, and scholarly discourse. we navigate this

terrain; it is crucial to recognize that societal attitudes and cultural perceptions play a pivotal role in shaping the experiences of hijras.

Gender study in Islam

Gender Studies is becoming a central concern in different universities and research institutes in all over the world as it has an important impact on the process of culture. The aims of Gender Studies are to educate students with the issue of gender from a social, cultural and psychological level and teach them to use the gender issues within their own disciplines. It does not only explore the actual differences between women and men, but also assists students to think critically about what these differences mean in belief system in a socio-cultural context. It is related to studies of class, inequality, race, ethnicity and sexuality. Gender studies focuses on both gender behavior and its relation to each other. Understanding of gender and gender relations is crucial, as gender behavior is everywhere. Thus, the importance of Gender studies in Islamic education system as well as in our society is great and obvious.[3] However, Islam did not allow in *Shariah* commands for homo sexual relations. It is totally prohibited in Islamic societies deriving from Quran and sunnah. As well as Islam allows his followers, to investigate and study the gender issues in all aspects of life.

Transgender in Islamic teachings

Some people claimed in translation and interpretations of the verses of the Holy Quran to prove that eunuchs are mentioned in these verses as third gender but the real scholars those who were in commentators of the Holy Quran never explained these verses in this meaning. As discussed in USAID report. [4]

> *" Or He makes them [both] males and females, and He renders whom He wills barren. Indeed, He is Knowing and Competent.(Al-Quran,42:50)"*

In the Holy Quran it is said that shaitan disobeyed Allah and said that I will command the people to change the creation of Allah.

> *"And I will mislead them, and I will arouse in them [sinful] desires, and I will command them so they will slit the ears of cattle, and I will command them so they will change the creation of Allah." And whoever takes Satan as an ally*

instead of Allah has certainly sustained a clear loss. (*Al-Quraan, 4:119*)"

In several Quranic verses gender is discussed, which shows its worth in shariah commands. As in this verse Allah command the people to keep their origin in gender and do have any change.

"And do not wish for that by which Allah has made some of you exceed others. For men is a share of what they have earned, and for women is a share of what they have earned. And ask Allah of his bounty. Indeed Allah is ever, of all things, knowing. (Quraan,4:32)"

It is also prohibited in prophetic teachings of Islam to change the genetic or origin which God had created.

Eunuch (*Khunsa*) and *Mukhannas*

One of the sayings of the holy prophet Muhammad (PBUH) has been presented as blame or a witness against Islamic teachings about third gender existence at Muslims homes.

Imam Bukhari narrated: "That a mukhanass bring to the holy Prophet (peace and blessings of Allaah be upon him who had painted his hands and legs, so the Prophet eliminate him to Baqi (Graveyard"). [5]

But the scholars explained: that this Hadith is about transsexuals not eunuchs. Because eunuchs are God, s creation while transsexuals are self-generated. They made a crime with God, s creation. Allah never likes these people and their way of life. Unfortunately, this topic is mixed with homosexuality and then, contemptuously, hurled at Muslims, due to a clear-cut position in Islamic jurisprudence against homosexuality. [6] There are several categories of eunuchs which need to be understood in this context.

Trans-sexual: Those who want to be opposite of what they are or look like.

Transvestite: Those who are apparently male but act like a woman (effeminate).

Trans-queer: Those who have both the male and female organs/tendencies.

Mukhannas (Arabic for Eunuch): who either is due to castration or naturally has not sexual desires.

Mukhannathan (Arabic for Trans-queer or double-gendered): who generally hides his masculinity to mix with women. There is a real example from Islamic history that Umar bin Abdul Aziz one of the Muslim caliphs

from Umayyad era eliminate a Mukhannas from state because of his bad activities not being a eunuch. The removal of genitals is considered a sin amongst Pakistani Eunuchs (Hijras) because they are aware of religious teachings. As we know, some of eunuchs started visiting with religious teachers and preachers in territory groups. They have obligatory knowledge about Islam and its practices.

Types of Eunuchs

Eunuch is a broader term and include hermaphrodites, transsexuals, and transvestite as they are called in Pakistan as *Hijras*, *Khusra* and *Khawja sara* and there are two types of eunuchs regarding qualification, Literate and illiterate. During questions from eunuchs, I came to know that they are aware about their rights, one of them said: that we are facing problems like other genders on the part of politicians and leader (*Gurus*) Arabic Islamic literature adopted the terminology of *Khunsa* including its all types mentioned above. We can understand these types as under in a different way of terminologies in our society:

Those who are born inter sex or with mix genitalia are called Hermaphrodite in the language of biology.

Those who are castrated and hence become Eunuch are called Transsexual.

Those who are males but have feminine sexual orientation; hence wear and behave like women are called Transvestites.

As well as there are three types of eunuchs Guru, beggars and dancers.

Eunuchs in History

All religions of the world accept the existence of eunuchs and usually treated with them like other two genders.

> *"Eunuchs, in Sub-Continent culture, are mentioned in "Kama Sutra". From olden days men had special attraction for gender variant men who wear bright and colorful clothes to represent them as women".*[7]

The peek era of Eunuchs was Mughal empire because they were involved there as guardians, military personals and courtiers. But they lost their esteem during the British Empire in subcontinent.[8]

The term *Khadim or Ghilman is* used in different Islamic books of literature and history. It has been mentioned by authors of various books and articles that there was a large number of Eunuchs involved for their services as *khadim* or *Ghilman* [9]

Eunuchs and Islamic Laws

All the books of Islamic *Sharia* (Law) in every school of Islamic thought: their books and religious contribution the gender identity is very clear and discussed in details. Every book of *Sharia* laws has a chapter named "*Kitab-ul-Khunsa*" which describes all the questions and problems related with Eunuchs. This is very important that there is no book in any religion or ism that discussed every problem of this gender, but Muslims have forgotten their traditional duties and responsibilities in many fields of life. As they lost their heritage in the field of knowledge and they are unable to introduce their original face and contribution to the world. Especially religious scholars are going fail these days to save the religious concepts and the original message of their lord.

Eunuchs in Masjid for Prayer

Evry book of Islamic shariah Laws discussed the rights of eunuchs in various chapters like Prayers, Hajj and inheritance etc. There is not only men and women are allowed to perform prayers in Masjid but Eunuchs are took places in the holy places and special practices like Fasting prayers and Hajj etc, as I have asked some Eunuchs about their activities on their Houses named "Daras" they replied that they have practices of performing prayers and recitation

Eunuchs Right of inheritance

As well as Islamic books are included, the chapters about Eunuchs rights of inheritance and explained all the essential and required discussions can be seen in any book of *Islamic Shariah* Laws(*Fiqh*) like *Al-Hidayah* by *Marghinani*, *Fath-ul-Qadeer* by *Ibn Humam* from *Hnafi* school of thought and also the scholars from other schools of thought (*Maliki, Shafiee,Hanbali and Jafri*) wrote on the rights of Eunuchs.[10]

Eunuchs in politics:

Islam gave all types of right to eunuchs except their Imamah for men group in prayer but they are allowed and have a right to lead the women group in prayer as Imam. So they have right to lead the nation in every field of life if they are eligible and educated.

Eunuchs in Pakistan

In every city of Pakistan there is a large number of eunuchs living in commune arrangement called, in the supervision of a leader called "Guru"Eunuchs have faced ever danger from family, community, religious

authorities and even police or protecting forces, while Pakistan is the second largest Islamic state. But eunuchs are neglected by the governing authorities and local society too. No one consider them third gender even NGO,s working for human rights ignored them in every field of life.

Regarding Legal and Social Status of Eunuchs Islam and Pakistan, Rizwana Gul, Nadia Zafar and Shaista Naznin PhD scholars form International Islamic University Islamabad stated:

> "Eunuchs may be suffering from some psychological problem or genuine handicap, beyond their control we should understand them and abridge the prevailing state of doubt and mistrust."[11]

Furthermore, Rabia Iram and Faisal Jahangir write:

> "A survey brings 33 % of the eunuchs to be beggars while others are getting livelihood from fair or unfair means. They live together in the form of groups calling their leader's home a 'DERA'… [While] in historical times especially the Mughal era, eunuchs were experts of horse riding, targeting and were kept in the personal HERAMS or the rooms of the leaders."[12]

Hence, eunuchs in Pakistan and their rights in the light of Islamic shariah are required to be implanted truly.

Sources of income:

Eunuchs have three major sources of income in Pakistan. As we have discussed, that there are two categories of eunuchs: educated and uneducated. Educated have jobs but uneducated have only dancing activity on different occasions like marriages and festivals etc. This is fact that, there are many problems being faced by Pakistani nation men or women in economic and social life so third gender is much more affected by circumstances. After earning a eunuch is bounded to pay some amount to his community Guru. As it is discussed in detail in a study from Lahore region

> *"It is the duty of Chelas to work and give a proper share of their income to the Guru. All Hijra community members interacted with were seen to have been part of this particular social structure".* [13]

In other study, it has been mentioned that a normal income of a eunuch is 8000 to 12000 per month. So we can easily understand that their life is like a labor and too hard.

Education

Because of social dislike and intolerance keeps the eunuchs away from educational institutions, consequently, very little achieve good schooling. While there is no separate literacy percentage intended for this gender for a long time because of unavailability of their identity record in national database authority (NADRA). We hope that efforts of court and government will bring bright results as there is a initiative order took place for the better education of eunuchs. For this purpose past government of Punjab started separate schools for third gender.

Status of Eunuchs in Pakistan

No doubt, the Guru of eunuch (Almas) made consecutive struggles for his community and fought for their rights. In result, Pakistan Supreme Court initiated many supportive actions for the betterment of eunuch community. Pakistan Supreme Court not only considered them as a third gender but also initiate many supportive actions like to be appointed as debt recovery. Government was advised to adopt some mechanism like quota for literate eunuchs and to support their fundamental rights. As well as Parents were forbidden to deliver a child to any chela or guru. Moreover, Bait-ul-Mal and other Income Support Programs (Pakistan need based scholarship programs) were bound to support them financially for education purpose specially. They were given rights of education, job, sexual security, inheritance right, vocational training and health facility without any fee. Supreme Court of Pakistan also banned forced castration. As all divine religions forbids all human beings to restrain any kind of right of any human being.

However, unfortunately, in past, in our country eunuchs are socially excluded and deprived of their rights as human beings. They have developed miserable healthcare seeking behaviors just because of the societal response. Lots of right activities needs to be done for this unfortunate gender.

Though numbers of them are not yet confirmed the Supreme Court of Pakistan give rights to the third gender in all the official documents. Very early in 2009 The Court requested the provinces to submit detailed reports

on the status of their eunuch populations. A working paper was drafted that discussed the need to protect the rights and welfare of Hijra in light of the discrimination, stigma and exclusion they suffered. Specific problems were noted in the areas of inheritance, registration of identity, voting, employment, and schooling. The Court gave the provinces an opportunity to review the working paper and develop an implementation policy. In its judgment, the Court gave a status update on the working paper. [14]

We can understand in the light of the decision of Supreme Court of Pakistan 2013, where it was ruled that eunuchs have equal rights as all citizens without any discrimination according to the constitution of Pakistan. The court bound for both; the federal and provincial governments to provide them privileges in all fields of life including schooling, jobs and heritage. Now a day a number of eunuchs got the chance to work in different government departments and forms during the same period. Following the official "third gender" classification of the Supreme Court eunuchs were granted right to vote moreover five eunuchs contested their first elections in 2013. [15]

So eunuchs had newly assisted with the administration of vaccinations, and the Court held that similar efforts to create respectable jobs should be extended to all provinces. It ordered a report from all provinces to this effect. The Court specifically referred to a system developed in the Indian State of Bihar, where: "The Bihar government is trying out innovative ways to involve the eunuchs, also called kinnars or hijras, in socially useful work. It has successfully used the services of eunuchs to recover taxes from habitual defaulters in Patna. Now, the social welfare department plans to rehabilitate them – in a first such rehabilitation scheme for eunuchs. Bihar Social Welfare Minister Damodar said, that the government would … 'provide literacy and vocational training to prepare them for respectable regular employment".

Violence against Eunuchs

In every country, eunuchs face discrimination and violence against their rights not only in Pakistan. But in Pakistan some time we see very hurting and shocking incidents and news like a very recent incident in district *Sahiwal* where a young innocent eunuch was burnt by some ignorant and impolite people. We suggest that our government and courts should take strong action against like this incident.

Conclusion

This research concludes that eunuchs have several rights in the light of Islamic teachings and traditions as other genders men and women have. However, unfortunately, different authorities ignored them. It needs to make the society aware about their rights specially their existence at homes with their families, parents, brothers and sister, because this is their basic right. We should also be ready to pay their rights with all respect in every field of life. We hope from the present government and suggest for its legislative body to introduce some new articles for the safety and betterment of third gender. The Supreme Court's acknowledgment of hijras rights is an important step. Moving forward, fostering a more inclusive societal mindset is imperative. Education and awareness campaigns can play a pivotal role in challenging misconceptions about hijras. Moreover, collaboration between religious scholars, policymakers, and advocacy groups is essential to bridge the gap between legal recognition and the lived experiences of hijras.

In essence, this research paper serves as a call to action, urging stakeholders to reevaluate societal norms and institutional practices that perpetuate the marginalization of hijras. By acknowledging the religious principles that promote justice and equality, Pakistan can strive towards a more inclusive and harmonious society, where the rights and dignity of all individuals, including hijras, are unequivocally recognized and protected. This religio-social review compels us to say that we need a *Rahmah-oriented society* (ROS) in which the rights of all creation of Al-Rahman (The most Merciful) should be protected.

Recommendations

It is required to incorporate inclusive education programs that educate the public about the historical significance of hijras, integrating the concepts into school curricula and public awareness campaigns. We should have platforms for dialogue that aim to reconcile religious teachings with the lived experiences of hijras. We have to strengthen their legal protections, their socio-economic empowerment, healthcare access, positive media representation, establishing support networks for hijras, including counseling services, helplines, and community centers. These resources can provide emotional support, legal advice, and guidance on various aspects of life. Moreover, the continuation of research efforts is recommended to

monitor the effectiveness of implemented recommendations and assess the evolving landscape of the rights of eunuchs in Pakistan. Regular updates and reviews can inform further interventions and policy adjustments.

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