

# Between Reverence and Rejection The Eunuch Community in South Asia: History, Identity, and Contemporary Challenges

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## **Abstract:**

Eunuchs — commonly referred to as hijras, khawaja siras, or aravanis — constitute a historically significant yet socially marginalized community in South Asia. Despite growing legal recognition in India, Pakistan, Bangladesh, and Nepal, they continue to face discrimination, exclusion from healthcare and education, economic hardship, and violence. This article traces how a community once considered spiritually significant came to be criminalized under colonial rule, examines the everyday challenges that legal recognition alone has not resolved, and considers what a more complete form of inclusion would require. The discussion draws on legal texts, government and NGO reporting, and existing scholarship on the hijra and khawaja sira communities.

## **A Status Undone by Empire**

It is worth starting from a point that is easy to lose in discussions of present-day discrimination: the idea of a gender category outside the male-female binary is not new to South Asia, and it was not, for much of the region's history, treated as deviant. Eunuchs and hijras appear in the Ramayana and the Mahabharata, generally as figures of some spiritual consequence rather than as anomalies to be explained away (Nanda, 1999). Under the Mughals, individuals we would now group under this broad category served in fairly prominent roles — as court advisors, as guardians of the harem, as custodians of household affairs more generally. Reddy (2005) notes that the same perceived spiritual potency that gave hijras a place at court also made them figures ordinary households sought out for blessings at births and weddings, a practice that has not entirely disappeared even now, though it survives more as folk custom than institutional role. This standing, such as it was, did not survive the colonial encounter intact. British administrators brought with them a set of Victorian assumptions about gender and sexuality that had no real category for a third gender, and rather than simply ignoring the community, colonial law moved to criminalize it. The Criminal Tribes Act of 1871 named eunuchs specifically as a "criminal tribe," which is a fairly stark example of how a single piece of legislation can convert an existing social identity into something the state actively polices (Hinchy, 2019). What is perhaps more interesting, and more troubling, is how durable that framing turned out to be. The Act itself was eventually repealed, but Hinchy (2019) argues persuasively that its underlying logic — the association of gender nonconformity with criminality and disorder — did not leave with the British administrators who wrote it. It settled into the post-colonial legal and social architecture of India, Pakistan, Bangladesh, and Nepal alike, and one can still see its traces in how these communities are policed, employed, and generally regarded by the state.

### One Community, Several Names

Because the subcontinent was eventually divided into separate nation-states, the community discussed here does not go by a single name, nor is it governed by a single legal framework. This matters more than it might first appear, since it means that "progress" in one country tells us relatively little about conditions in a neighbouring one. In India, hijra is the term most commonly used, and it functions as something of an umbrella category — encompassing transgender, intersex, and eunuch-identified individuals under a single, officially recognized third-gender classification (National Legal Services Authority v. Union of India, 2014). Pakistan instead uses khawaja sira, and the community there is organized, at least informally, through a guru-chela system: a teacher-disciple arrangement that Rehan, Chaudhary, and Shah (2009) describe as providing both material support and a fair degree of internal control over members' lives.

Bangladesh recognized hijras as a third gender in 2013. Hossain (2017) is careful to note that this was a genuine legal advance and not merely symbolic, but also that it did comparatively little to change how hijras were treated day to day — a distinction that, in my reading, applies fairly well across the region as a whole. Nepal moved earlier than either country, granting third-gender recognition on official documents as far back as 2007, though Knight (2015) points out that formal recognition on paper and equal treatment under the law are not the same thing, and Nepal's experience illustrates the gap between the two about as clearly as any case in the region. Sri Lanka took a narrower path still: since 2016, a Ministry of Health circular has allowed transgender individuals to obtain a Gender Recognition Certificate and amend their birth certificates, though the process is still routed through psychiatric evaluation, and there is no broader anti-discrimination statute behind it (Human Rights Watch, 2016).

It is also worth resisting the temptation to treat "India" as a single legal or social unit here, because the national picture obscures a fair amount of internal variation. Tamil Nadu, not the central government, was the first to act — it established the Tamil Nadu Aravanigal (Transgender) Welfare Board in 2008, years before the Supreme Court's NALSA ruling made some version of this recognition a nationwide requirement (United Nations Development Programme, 2012). The state had already begun using the term thirunangai by that point, adopted in 2006 as a more dignified alternative to "aravani." Kerala followed with its own state transgender policy in 2015, which included scholarships and support for surgery costs. None of this is to say that either state has solved the underlying problem — as later sections make clear, they have not — but the unevenness within India is a useful reminder that a single legal milestone, even a landmark one, rarely means the same thing in practice from one state, or one country, to the next.

One institution deserves a slightly longer treatment than it usually gets in accounts like this one: the guru-chela system that organizes much of khawaja sira and hijra social life across Pakistan, India, and Bangladesh. It is not merely an administrative structure. For many members of the community, rejected by their birth families at a young age, the guru-chela relationship functions as a substitute kinship network — a guru takes on disciples, provides housing, shares income, and mediates disputes, occupying something like the roles of mentor, landlord, and elder simultaneously (Rehan et al., 2009; Nanda, 1999). This is, I think, one of the more genuinely double-edged features of community life discussed in this article: the system is frequently the only stable support available to someone who has lost their family, and at the same time it is a hierarchy that can be, and sometimes is, exploited by those higher up within it.

**What Legal Recognition Has Not Fixed**

Court rulings and statutes are, by their nature, better at describing rights than at describing what daily life actually looks like for the people those rights are meant to protect. The remainder of this section works through seven overlapping pressures that, taken together, do a reasonable job of explaining that gap.

**Social exclusion and stigma**

For a substantial share of the community, exclusion begins at home rather than in public life. Many are pushed out of their families at a young age and find refuge in hijra households or other communal living arrangements instead — not by preference, in most cases, but because the alternative is homelessness. In public settings, mockery, harassment, and outright assault remain common enough to be considered routine rather than exceptional, and the underlying cause is fairly consistent across the accounts I have reviewed: a refusal, still widespread, to accept a gender identity that does not map onto conventional male-or-female categories.

**Barriers to education and employment**

Bullying and schools that are simply not equipped to accommodate transgender students push a large share of the community out of formal education early. Pattanaik (2018) traces much of this to the near-total absence of anti-bullying policy or curricular inclusion in Indian schools specifically, though the pattern is not unique to India. The educational gap this produces later becomes a convenient pretext for exclusion in hiring, and the result is that many people end up in begging, sex work, or ritual blessing — work that is, in a fair number of cases, taken up out of necessity rather than any real choice. It is worth noting that legal reform does not automatically fix this: Hernandez (2016) reported that even after Pakistan's community gained greater visibility and some employers began extending job offers, transgender employees continued to describe a daily struggle for basic workplace respect.

**Healthcare disparities**

Healthcare access presents a similar pattern of formal availability and practical failure. Providers frequently treat transgender and intersex patients with what can charitably be called insensitivity, and dedicated gender-affirming services, along with adequate HIV/AIDS care and mental health support, remain scarce (UNDP, 2010). Poteat, German, and Kerrigan (2015) trace a good deal of this to a fairly basic gap in training: most medical professionals in the region have simply never been taught how to treat transgender or intersex patients, which produces the kind of uncertainty and avoidance their study documents on both sides of the clinical encounter. Winter et al. (2016), writing in *The Lancet*, frame the problem as a global health and human-rights failure rather than one specific to South Asia — a framing I find useful, since it suggests the barriers here are not unusually severe by international standards so much as unusually visible, given how little legal protection exists to offset them.

**Legal and political underrepresentation**

Third-gender recognition on paper has, again, not translated evenly into practice. Voting rights formally exist across most of the region, and transgender individuals can and do participate in political life — Shabnam Mausi's 1998 election is discussed further below — but access to consistent identity documentation remains inconsistent, and representation in elected office and in the bodies that actually make policy stays minimal.

**Violence and abuse**

Physical and sexual violence, along with verbal abuse in homes, workplaces, and public spaces, is widespread enough that it is difficult to characterize as anomalous. In some documented cases, law enforcement itself has been a source of this violence rather than a protection against it. Hate crimes and so-called "corrective" abuse within families frequently go unreported, which is not surprising given the well-founded doubt, among many survivors, that reporting would actually lead to legal protection.

**Housing insecurity**

Finding rental housing is often difficult simply because landlords and neighbours are willing to discriminate openly against transgender and hijra tenants. This produces a fairly predictable downstream effect: chronic housing insecurity, and a correspondingly heavier reliance on community and guru-chela networks just to have somewhere reliable to live.

**Psychological and social isolation**

None of the pressures above operate in isolation, and their cumulative effect is worth stating plainly rather than leaving implicit. Discrimination, family rejection, poverty, and violence layered together over time produce loneliness, chronic insecurity, and a level of emotional distress that, by most accounts, goes substantially under-addressed by existing mental health services.

**Where the Law Has Moved**

None of this is meant to suggest that legal change has been meaningless — it has not, and the last decade in particular has produced real, if incomplete, advances worth documenting in their own right. India's 2014 Supreme Court ruling in *NALSA v. Union of India* recognized transgender people as a third gender and affirmed their fundamental rights, and it went further than a purely symbolic gesture: it recognized a right to self-identify one's gender and directed the government toward concrete measures on social and educational advancement (*National Legal Services Authority v. Union of India*, 2014).

Pakistan's 2018 Transgender Persons (Protection of Rights) Act granted a comparable right to self-identify gender and to access public services, and on paper it is one of the more progressive statutes in the region. Khan (2019), however, reports that implementation has lagged well behind the text of the law, and that public awareness of it remains low. Bangladesh's experiments with employing hijras in public roles such as traffic control are, in Hossain's (2017) assessment, generally limited in scale and often more symbolic than structural. Nepal continues to allow a third-gender marker on passports and other identity documents, though Knight (2015) documents persistent bureaucratic obstacles in practice.

**What the Community Says About Itself**

Legal texts describe rights fairly well; they are much less useful for conveying what it actually feels like to live without those rights being honoured, which is presumably part of why community voices are worth including here directly rather than only through legal summary. Laxmi Narayan Tripathi, a prominent Indian transgender activist who has represented the Asia-Pacific region at the United Nations, made a version of this point after the *NALSA* verdict: "We too are human beings and should be treated like one" (as cited in "We too are human beings," 2014).

*"We too are human beings and should be treated like one." — Laxmi Narayan Tripathi, Indian transgender rights activist*

A comparable argument has been made from a different institutional setting by the Pakistani khawaja sira activist Bubbli Malik, who appealed directly to religious authorities during Federal Shariat Court hearings on the community's legal status. Rather than treating legal recognition as an endpoint, Malik pressed the ulema to protect the dignity of transgender people within the law itself, and specifically to resist proposals that would have subjected their bodies and identities to invasive medical screening (Human Rights Commission of Pakistan, 2023). She has separately argued that gender-sensitivity training for institutions and lawmakers matters as much as the wording of the statute (Facts and Frictions, 2025). Tripathi and Malik are working in quite different countries and through quite different channels, but they arrive at much the same conclusion: a legal category can be granted from above, but safety and social standing generally have to be built from the ground up, and the two do not automatically follow from each other.

### **Individuals Who Moved the Needle**

Legal milestones are, in general, easier to remember when they are attached to a specific person rather than a statute. Shabnam Mausi's 1998 election to the Madhya Pradesh Legislative Assembly, making her the first transgender MLA in India, is a good example: it placed transgender and hijra communities inside the frame of Indian political life at a moment when most people outside the community would not have considered them part of it at all. The NALSA judgment, sixteen years later, converted that kind of visibility into binding law (National Legal Services Authority v. Union of India, 2014), and Bangladesh's 2013 recognition of hijras as a separate legal category did something broadly similar for its own citizens. In both countries, though, Hossain (2017) is right to point out that social discrimination and restricted economic opportunity continued largely undisturbed by the new legal status — which is, again, the recurring theme of this article rather than an exception to it.

### **Where the Work Still Has to Happen**

Taken together, the region's court rulings and legislation sketch out the shape of a problem that legislation on its own is not going to solve. Five areas seem to me the most promising places for sustained effort, in the sense that progress there would plausibly translate legal recognition into something closer to everyday dignity.

Education is probably the most foundational of the five. School curriculums and environments need genuine reform, including anti-bullying policy with some actual enforcement behind it, if the next generation is not simply going to inherit the prejudices of the last one. Healthcare is a close second, and the fix there is at least conceptually straightforward, even if implementing it is not: medical professionals need training in gender-affirming care, and that care needs to be affordable enough to actually reach the people who need it, rather than existing mainly on paper.

The third gap is enforcement, and Pakistan's 2018 law is a useful illustration of what happens when legislation outpaces implementation — a well-written statute with weak follow-through. Closing that particular gap requires building real grievance-redress mechanisms, not simply passing additional statutes that face the same enforcement problem. Economic inclusion depends on government and private-sector initiatives that offer genuine vocational training and genuine hiring, rather than the token positions that several of the sources cited above describe as common. Finally, none of the preceding four points hold up without a fifth: sustained public campaigns aimed at normalizing gender diversity and dismantling the superstitions that colonial-era stigma left behind, since legal change without a corresponding shift in social attitudes tends, on the evidence reviewed here, to stall.

## Conclusion

The eunuch community of South Asia occupies what I would describe as a genuinely striking contradiction: revered in ancient scripture, criminalized under empire, and only partially reclaimed by modern law. The legislative advances in India, Pakistan, Bangladesh, and Nepal discussed in this article are not trivial — they reflect decades of sustained activism translated, however imperfectly, into enforceable rights. But the seven pressures examined above — exclusion, blocked education and employment, inadequate healthcare, thin political representation, violence, housing insecurity, and isolation — make it fairly clear that recognition on paper is not the same thing as respect in practice, and that closing the distance between the two is going to require sustained, multi-sectoral effort: education, healthcare access, real enforcement, economic opportunity, and a cultural willingness to see this community as it once, in a different era, saw itself — not as an aberration, but as a legitimate part of South Asian life.

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