



*Thesis on*  
**Socio Legal Challenges of Hijra Community in Bangladesh**

*Course Title: Research Mon<sup>1</sup>ograph*

*Course Code: LAW -812*

**Submitted to:**

Mohammad Badruzzaman

Assistant Professor,

Department of Law

Faculty of Humanities & Social Sciences

Daffodil International University

**Submitted By:**

Monibur Rahman

ID: 221-38-055

Batch: 37<sup>th</sup>

Program: LL.M

Department of Law

Daffodil International University

***Submission Date: 31 / 01 / 2023***

---

<sup>1</sup> ©Daffodil International University

Research monograph presented as part of the LL.M. program at the Law School of Daffodil International University

### **Explanation**

I certify that the title of the research monograph “**Socio Legal Challenges of Hijra Community in Bangladesh**” was created solely by me <sup>2</sup>and submitted to the Law School of Daffodil International University for the title of LL.M. to obtain. This is the original work of the six. No part of this research has been submitted in any way to any university or institution for a degree, diploma or other similar purpose.

Your faithful

**Monibur Rahman**

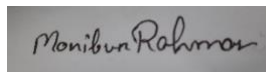
ID: 221-38-055

Program: LL.M.

Batch: 37<sup>TH</sup>

Department of Law.

Daffodil International University.



Signature

---

<sup>2</sup> ©Daffodil International University

## Letter of Transmittal

**January 31, 2023**

To

Mohammed Badruzzaman

Assistant Professor

Faculty of Law

Faculty of Humanities & Social Science

Daffodil International University

Topic: Presentation of the research <sup>3</sup>monograph "**Socio Legal Challenges of Hijra Community in Bangladesh**"

Dear Sir,

It is my great pleasure to present a research monograph entitled The Socio -Legal Challenges of the Hijra Community in Bangladesh. In preparing this research paper, I have done my best to maintain the required standard.

I hope this book meets your expectations.

I therefore request and hope that you will be so kind as to review this research paper for evaluation. I am always at your disposal for further clarification on any part of this research.

Your faithful,

**Monibur Rahman**

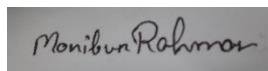
ID: 221-38-055

Program: LL.M.

Batch: 37<sup>TH</sup>

Department of Law.

Daffodil International University.



---

<sup>3</sup> ©Daffodil International University

Signature

### **Supervisor Certificate**

I certify that the work presented in this dissertation is based on work carried out by the author herself under my supervision at the Faculty <sup>4</sup>of Law of Daffodil International University.

further certifies that the work presented here is original and appropriate to be presented in style and content to fit the program of the LL.M.

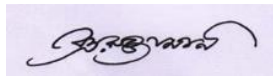
**Mohammed Badruzzaman**

Assistant Professor

Faculty of Law

Faculty of Humanities & Social Science

Daffodil International University



Signature

---

<sup>4</sup> ©Daffodil International University

## **Acknowledgment**

First of all I thank ALLAH Almighty a<sup>5</sup> million times over who gave me the strength to create this research work. I would like to thank some of the people who helped me in creating the research paper. Many thanks to my respected instructor Mohammad Badruzzaman for his continuous guidance and support in the preparation of this report for any kind of help and collaboration in my work.

Monibur Rahman

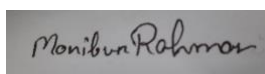
ID: 221-38-055

Course : LL.M.

Batch: 37th

Faculty of Law.

Daffodil International University.

A rectangular box containing a handwritten signature in cursive script that reads "Monibur Rahman".

**Signature**

---

<sup>5</sup> ©Daffodil International University

### **List of Abbreviation**

- HCB : Hijra Community Bangladesh
- LGBTQ : Lesbian Gay Bisexual Transgender Queer
- HRC : human Rights Campaign <sup>6</sup>(HRC)
- GSM : Gender and Sexual Minorities
- GNC : Gender Non-Conforming
- CD : Cross-Dressing or Cross Dresser
- MAAB : Male-Assigned at Birth
- FAAB : Female-Assigned at Birth
- UAAB : Unassigned at Birth
- CAMAB : Corrosively Assigned Male
- CAFAB : Corrosively Assigned Female at Birth
- TERF : Trans-Exclusionary Radical Feminists
- QTPOC : Queer and Trans People of Color
- FG : Female Gender
- QTPOC : Queen And Trans People Of Color

---

<sup>6</sup> ©Daffodil International University

- FRA : European Union Agency for Fundamental Rights
- FTE : Full-Time Equivalent
- GBD : Global Burden of Disease
- HBSC : Health Behavior in School-Aged Children
- HIV : Human Immunodeficiency Virus

### **Abstract**

The aim of this study was to identify some of the main factors influencing the determination of Hijra status in the legal and social fields of Bangladesh. The mission included research into various aspects of Hijra life including religion,<sup>7</sup> government, media and personal life. In my open and structured interviews with the participants, I used an interpretation technique. Fieldwork was conducted in two phases at two different physical locations. In my research, I relied heavily on the writings of

Hossain, Nanda, Stoniest, and Butler. The data show a clear link between a traumatic upbringing and people joining the community rather than members making lifestyle choices. Due to a lack of knowledge, the divisions in the dominant societies have become even greater. One of the main goals of my research is to examine the results of the government's legal recognition of the Hijra community in 2006 and to understand the process that led to this law.

**Keywords:** Hijra existence, Human Rights, Citizen, Religion, Gender problem, Media and Personal life, Government.

---

<sup>7</sup> ©Daffodil International University

## TABLE OFCONTENTS

	<b>PAGE</b>
Explanation	II
Letter of Transmittal	iii
Supervisor Certificate	IV
Acknowledgement	V
List of Abbreviation	VI
Abstract	viii
<b>CHAPTER ONE - INTRODUCTION</b>	<b>01-06</b>
1.1: Introduction	01
1.2: Importance of Research	02
1.3 Historical Background	02
1.4: Additional Question	03
1.5: Research Methodology	04
1.6: Test Limits	05
1.7: Study Overview	05-06
<b>CHAPTER TWO - CONCEPTUAL FRAMEWORK</b>	<b>07-10</b>



2.1 Introduction	07
2.2 Definitions	08
2.3 Hijra Concepts	08
2.4 Methods / Process	09
2.5 Important Feature	10
2.6 Conclusion	10
<b>CHAPTER THREE - LEGAL REGIME</b>	<b>11-20</b>
3.2 Policy Review	11
3.3 International Law	12-13
3.4 Legislation	14
3.5 Legal status of Hijras in others countries	15
3.6 Punishment	16
3.7 Recognizing of Hijra	16
3.8 Procedure	17
3.9 Executive Bodies	17
3.10 the International covenant on civil and political Rights	18
3.11 Jurisprudence	18-19
3.12 The court has issued a Number of orders and declarations	20
3.13 Conclusion	20
<b>CHAPTER FOUR - SOCIAL AND LEGAL CHALLENGES OF HIJRAS COMMUNITY</b>	<b>21-30</b>
4.1: Introduction	21
4.2: Discuss Secondary Question	21
4.3: Explain the answers of my Secondary Questions	22-26
4.4: Social Exclusion and Access to Health Employment Services	26
4.5: Social development of the Transgender community	27
4.6: Social suffering Transgender	28
4.7 International Legal Instruments for Hijra	28
4.8: The universal declaration of civil and political Rights	29

4.9: Social Challenges of Hijra Community	29
4.10: Conclusion	30
<b>CHAPTER FIVE - FINDINGS AND RECOMMENDATIONS</b>	<b>30-32</b>
5.1: Introduction	30
5.2: Explain has been question	31
5.3: Conclusions from the basic questions	31
5.4: The findings of the secondary question	31
5.5: Transgender	32
5.6: Exclusion from family and social challenges	32
5.7: Exclusion from cultural participation	32
5.8: Exclusion from political and legal participation:	32
5.9: Conclusion	32
<b>CHAPTER SIX - CONCLUDING REMARKS</b>	<b>33</b>
Conclusion	33
References	34-35

## Chapter One

### Introduction

#### 1.1 Introduction:

Hijra is a term used in South Asia to refer to gender non-conforming people, including transvestites, transsexuals, intersex people, and transgender people. The Hijra has been officially recognized as a third gender group by the Bangladesh government despite research into legal recognition. Bangladesh's cabinet has passed a policy allowing the Hijra to identify as a third gender in all forms of government, including passports and ID cards. In practice, however, nearly Hijras are unable to complete the registration process<sup>8</sup> because the third gender option is not yet included on the forms. Hijra is used in both singular and plural. Hijra is often translated<sup>9</sup> as transgender, the lexicon "transgender" is not widely used in South Asian contexts. Since many hijras were castrated, the hijra has often been a research journal on women and the gender of those who are sexually impotent and unable to bear children. Hider and Ba-no (2002) give fifteen categories of hijra based on genital appearance, social identity, sexual preference, and degrees of masculinity or femininity. Labeling differences for third-gender groups vary widely by South Asian region. Among the social meanings attributed to these diverse minority sexual and gender identities (Towle & Morgan, 2006), Hijras have been highlighted for their interest in gender issues rather than their personal ties to community members. My choice was based on simple curiosity.

I was curious to learn more about these runaways and their way of life. The word Hijra was then revealed in 2009 with the revelation that it is now legal. Hijras would have passports. The government's welfare agency announced in 2015 that it was planning a stigmatized community, but the developer is now at risk after 12 people selected for the job were classified as adult males and failed a standard medical test. On the one hand, doctors and government officials announced that these 12 people were non-Hijra corpses.

---

<sup>8</sup> [www.hijra.com](http://www.hijra.com)

<sup>9</sup> ©Daffodil International University

## 1.2 Importance of research:

The word <sup>10</sup>hijra comes from Semitic Arabic root through Urdu-Hindustani word means leaving one's tribe and has been borrowed into Hindi. This Indian usage of the term hijra has been translated into English as eunuch or which mainly means irregularity of male genitalia. Basically they are born with male physiology; some of them are born with male intersex variations (Nanda S. 1999), Hires are considered as third gender third sex or in the language of their most widely known ethnographer, Serena<sup>11</sup> Nanda Neither men nor Women. A generic description of Hijra's might read something like this: they are socio-political males who present women-like within a shifting constellation of meaning. The frequently derogatory<sup>12</sup> use of the term Hijra and its synonyms has contributed to the circulation of regional terms such as caravan and kina especially around the Chennai area, caravan is the preferred term and china is fast gaining popularity in northern India as a form of self-identity. 'Eunuchs transsexuals effeminate men and most recently transgender these are mobile are found. In the Mahabharata, one of the heroes Arjun takes up a disguise of a hijra or eunuch transvestite when he was in exile and performs dancing to amuse people of a royal palace. It is also found in the same scripture that Hiragana offers his life blood to goddess Kali (the goddess of power), to ensure the victory of the Pandas and was granted the boon but as his last wish wanted to marry. As no woman would marry a man who is going to die within a few hours. In the Ramayana, hijras are granted a boon by Rama as a reward of their devotion and possessed the ability to confer blessings to newborns and newlyweds. In Islam, no different rules are found by which hijras can practice the religion. In this subcontinent hijras incorporate Hinduism or Hindu culture. Identities of Hijras around the world. In two most celebrated epics that are accepted as scriptures by Hindu people two different notions of hijras.

**1.3 Historical Background:** Hijras are seen as third gender. <sup>13</sup> Their lives are different from everyone else's. They are often ostracized from society for one reason or another. It is because they have no family of their own. As we have to live with 5 other people in the society but they can't want to. Because society does not always remember them. Bangladesh government has done a lot for them. The government of Bangladesh has given all the rights to the hijras so that

---

<sup>10</sup><https://www.google.com/url?>

<sup>11</sup> ibid

<sup>12</sup> ©Daffodil International University

<sup>13</sup> ibid

they can live in the society in a beautiful way and the same way as other 5 people get the rights. While recognition of genders outside male and female has only recently been discussed in western societies, in Hindu society, people of non-binary gender expression have played important roles for over 2000 years.

The Called the third gender,<sup>14</sup> evidence for the existence in hijra society can be found in hijra community holy texts like the difficult and the, where Hindu hero all third gender including Hindus and Muslim live in our society. T do not differentiate between them .they want little responsibility hey becomes the third gender. Third gender people have <sup>15</sup>often been of the revered throughout South Asian history for example, Bangladesh <sup>16</sup>Many people rose to Called in the third gender, evidence for their existence in Hindu society. We can be found in Hindu holy texts like the Ramayana and the Mahabharata, where Hindu hero Arjuna becomes the third gender. Third gender people have often been revered throughout South history; for example, Muslim rulers of the Mughal Empire re in the 15th to 19th centuries were generous patrons of third gender Bangladesh Historically and culturally. The hijra are based in Hinduism and they perform solely for Hindus. However, hijras are not all Hindu themselves. Many are Muslim and a few are Christian. In fact, some hijras follow the beliefs and practices of both Hinduism and Islam. For example, some hijras center their community on the Hindu goddess Baruch Marta while also taking a Muslim name and observing Islamic traditions such as Ramadan. Just as hijra are not limited by binary views of gender, some are not limited by a single religious tradition. Recently, hijra have regained some of the rights and freedoms which they have been denied the hijra community .

#### **1.4 Research question:**

##### **Basic question**

**What is the relationship between the human rights of the Hijra community and their current status in the social context of Bangladesh?**

In premier times, Muslim societies were aware of five manifestations of gender ambiguity: this can be seen in figures such as hijras, khanates and mams uh and the hermaphrodite haunt, khaki

---

<sup>14</sup><https://www.banglajol.info/index.php/SSR/article/download>

<sup>15</sup> ©Daffodil International University

<sup>16</sup> ibid

intersex eunuchs are castrated males. They were used as guards and servants in harems and as chamberlains to the kings of the Middle East. In fact, looms are people who have male genitalia and are raised as boys until they are castrated, usually by cutting off their testicles. Thanks to this operation,

persimmons are not transformed into women, but are in an <sup>17</sup>intermediate position legally and socially, without belonging to any gender. adopt a female identity. They are perceived in their societies as the third gender (neither male nor female).

### **Additional question:**

I collected my primary data in the field, where I also need to collect secondary data from many types of newspapers, magazines and the internet. These are the ways I collect my secondary data.

- What gender is the Hegira?
- How is May Hijra in Bangladesh?
- Does the Hijrah have a private life?
- What is the role of Hijras in Bangladeshi culture?
- Hijri Lifestyle in Bangladesh?
- Law of Bengali Hegira?
- What is the legal status of the Hijra community in Bangladesh?

### **1.5 Research methodology:**

Research methodology is a specific process or techniques used to identify, select, and analyze information about processes in a research paper. The methodology section allows the reader to examine the overall validity and reliability of the study of the work used. The scientific and qualitative article were checked for the achievement of objectives. The Hijra community was surveyed through all working document questions. The Hijri community was Data was collected from

---

<sup>17</sup> ©Daffodil International University

official documents such as reports, previous studies, newspapers, court cases and the internet.

The sample includes two decision-makers from a hijra rights organization, ten hijras from different social classes, two human rights lawyers and three human rights activists.

### **1.6 Test Limits:**

Many other important studies in conducting. As the subpoena progressed, a study of short-term overcoming of an obstacle was conducted. There are many aspects of the Hijri community to sip with people who are not members of their community. <sup>18</sup>Due to time constraints, the number of respondents in relation to financial law is another topic of this study. Hijras are usually busy collecting alms. They don't want to waste time talking. . So I had to offer some of them money for the interview. In any field of study or research there will be obstacles. The idea is to overcome these obstacles and provide the body of knowledge with important conclusions. In this sense, the limits have been exceeded. It is important to expand on some of the terms used in this research as they are closely related and not clearly separated. Some of these overlap and complement each other. So I had to offer some of them money for upkeep.

### **1.7 Study overview:**

This work offers a literature review with the concept and definition of fake news and freedom of expression in Chapter 2. It also discusses their methods and salient features. In Chapter 3 I discussed the legal system of spreading fake news and freedom of expression in Bangladesh and internationally. Chapter 4 deals with a critical analysis of the secondary question in relation to the primary question and some of the

results also found in this chapter and the last chapter #5: I close by presenting my primary research based on the explain secondary question.

The introductory and first chapter of this study contains an investigation plan. This chapter contains an introduction, an explanation of the topic, the scope, primary and secondary aspects, methodology and limitations of the study. The second chapter includes the introduction, definitions, relevant concepts, theories, principles, institutional practices and conclusions. The

---

<sup>18</sup> ©Daffodil International University

third chapter deals with the conceptual legal framework. This chapter covers the introduction, review of the

policy, community regulations on the<sup>19</sup> Hijra, types of laws, statutes and the conclusion of the Hijra.

The fourth chapter analyzes the data and evidence of the Hijri community in Bangladesh in relation to the analytical framework of the study. This chapter includes the presentation of the key points of the research law through the research questions, the theoretical implications of the main findings of the study, the main findings of this study, the key variables considered relevant in this study, generalization results according to the context of Bangladesh, and conclusions.

Finally, the fifth chapter contains the conclusion. In this chapter I explain the main question, which is answered by setting up sub-questions and conclusions.

---

<sup>19</sup> ©Daffodil International University



## Chapter Two

### Conceptual Framework

#### 2.1 Introduction:

Hijra from Bangladesh or transgender person. The third gender community is known as Hijra in the Indian subcontinent; namely Bangladesh,<sup>20</sup> India and Pakistan. These are people with ambiguous genitals. They are considered hermaphrodites or inter sexed or even eunuchs. known internationally as the third gender, people are seen as physically and mentally ambivalent, and because of this ambivalence, people see them as monsters (hiding their sexual identity). They are subjected to physical, verbal and sexual violence.<sup>21</sup> Hijras were largely stigmatized and marginalized. Hence, from ancient Bangladesh to the present<sup>22</sup> day, Bangladeshi society has distinguished Hijra from a predetermined gender category. The term Hijra encompasses a wide range of identities, appearances and behaviors that blur and transcend biological gender boundaries in Bangladesh. Hijras are physiological men; Some of them are born with intersex male strains. In Bangladesh, a hijra is a person who has all the basic characteristics of both genders, male and female. Medically, Hijras are considered the third gender. Your life is different from that of others. They are often excluded from society for one reason or another. Because they don't have families of their own. Because we have to live with 5 other people in the company, but they can't want it. Because society doesn't always remember it. The Bangladesh government has done a lot for them. The Bangladesh government has given Hijras full rights to live beautifully in society and the same rights as 5 other people have been granted. they are people whose bodies do not confirm the arbitrarily qualified criteria of male or female constitution and are thus hitherto only misleading, who have a<sup>23</sup> female gender identity, assume a female gender role and wear female clothing. They do not correspond to the conventional notions of male and female but

---

<sup>20</sup> ibid

<sup>21</sup> ©Daffodil International University

<sup>22</sup> [www.hijra.com](http://www.hijra.com)

<sup>23</sup> ibid

combine or alternate between them. Their weaknesses, frustrations and insecurities have always been ignored by society as a whole. Kefir (anonymous) is a citizen of Bangladesh and listed as Kafir Hijra on the ID card. Although the Bangladesh government, in a landmark decision, approved a proposal by the Ministry of Social Affairs to identify the Hijra as a possible third gender identity, people like Kafir were required to declare their gender as male or female on the ID card. I do not begin this Hijra story to depict the misery of Hijra life, but a life that is ignored in terms of basic human rights. The article will attempt to assess the current third gender situation in Bangladesh, identify the existing third gender protection<sup>24</sup> legislation in Bangladesh and highlight the current challenges related to the third gender in Bangladesh. In this article, both qualitative and quantitative methods were considered. Due to time constraints, mainly the qualitative method was used.

## **2.2 Definitions:**

It is difficult to define hegira precisely. In general, hijras or persons of the third sex are neither male nor female in the strict sense. Their gender is not<sup>25</sup> specific and they have both male and female characteristics. This includes a transgender person or someone transitioning into a different gender. The word Hijra comes from a Semitic Arabic root via the Urdu-Hindustan word for leaving one's tribe and was borrowed from Hindi. The English word eunuch or hermaphrodite, denoted by the Indian term hijra, which generally means an abnormality of the male genitalia. Basically, they are born with a male physiology; Some of them are born with intersex male strains. In Bangladesh, a hijra is a person who has all the basic characteristics of both genders, male and female. From a medical point of view, these are those

people whose bodies do not meet the arbitrarily qualified criteria of male or female constitution, i.e. only mix up their sex, but they are people. Most Hijras are born males, but few are intersex deviants.

## **2.3 Hijra Concepts:**

This self-reflexivity is a very important aspect of ethnography. During this time, as a researcher, I discovered my biases and assumptions and understood my position of power. I did the fieldwork

---

<sup>24</sup> ©Daffodil International University

<sup>25</sup> [www.thardgender.com](http://www.thardgender.com)

in stages, picked a fancy coffee chain, and we chatted over a cup of strawberry smoothie. That attitude was my comfort zone. I had a series of questions to start the interview, I let him guide me to whatever part of his life story he wanted. I also started recording them. It helped me to give my research a more precise direction. My second research location was a shack in Diamond.

### **Third Type:**

Although most of us take for granted that we are male or female and do not even think of an alternative to this gender or gender dimorphism, some of us cannot identify as either male or female. People who are neither male nor female are considered a third gender category in some cultures.

### **Hegira:**

The third sex community is known in the Indian subcontinent <sup>26</sup>as Hijras; namely Bangladesh, India and Pakistan. These are people with ambiguous genitalia. They are considered hermaphrodites or intersexed or even eunuchs.

### **gender identity:**

Gender identity is defined as the image people have of themselves. It is also described as an ingredient that reflects sexual confidence. It is based on the biological aspects of the human body.

Gender Identity: This is a person's sense of gender. It's about how the individual sees themselves as male or female or as something else. This applies to people's sociological and psychological self-understanding.

Transsexual: A transsexual is a person whose sex, as defined by the structure of the brain, is the opposite of physical sex. It can also be described as literally being physically trapped in the body of the wrong or opposite sex.

## **2.4 Methods/Process:**

---

<sup>26</sup> ©Daffodil International University

This study uses desk research and qualitative research to achieve the objective of the article. For the desk research, data from national policies, laws, regulations and case studies related to Hijra issues were examined. Various programs and movements of the Hijra community were also examined. The data was collected from official documents such as reports, previous studies, newspapers, court hearings and the internet. Qualitative research was carried out to improve the search results. An in-depth open interview was used as a sample. The sample includes two decision-makers from a Hijra legal organization, ten Hijras from different walks of life, two lawyers and three human rights activists. A human rights <sup>27</sup>perspective was used to analyze and evaluate the data collected. The main focus of the study was Hijra, the way individuals suffer and are deprived of their

distinct social and legal rights. At the end of the study, several suggestions were made to improve the current situation of the Hijra

### **2.5 Important feature:**

The recognition of the Hijri as a third gender should be enshrined in law in order to further facilitate social acceptance and access to state social services. The task of the state is to guarantee equal rights for all citizens. The following steps may be helpful in changing the current reality unfavorably for the Hijri community:

1. Constitutional recognition of transgender persons should be introduced. Before making a decision, Hijras should be consulted and asked how they wish to be recognized by the rest of society.
2. The Government of Bangladesh may establish a Hijra Welfare Board. The Council should address the issues of this community to ensure their human rights.
- 3 There is no accurate database of this community. The government should immediately create a database of comprehensive information to assess their numbers, needs and demands so management can find ways to meet them. Government and non-governmental partnerships can also be a key factor in the development of Hijra communities.

---

<sup>27</sup> ©Daffodil International University

**2.6 Conclusion :** In summary, our state's constitution affirms its commitment to promoting, defending, and upholding the rights of all citizens, regardless of sexual orientation. Recognizing the hijra population as another gender is a truly positive move. But this acknowledgment is written down. They continue to be the most disadvantaged group among the disadvantaged categories. To facilitate hijras' rights as citizens, including their right to protection from violence and discrimination, their right to equality under the law, their right to vote and to run for office, their right to a livelihood, their right to fair representation in the media, and their right to live with dignity as social beings, the state must develop and implement laws, policies, and programs.

## Chapter Three

### Legal Regime

**3.1 Introduction:** The Hijras were not chosen because of a personal relationship with anyone in the community or because of a particular interest in gender issues.<sup>28</sup> My choice was based on simple curiosity. I was curious to know who these anomalies were and how they lived. Then, in 2009, the term Hijra came to light with the announcement that<sup>29</sup> the term was now summer. The Hijra would have passports. Media attention almost entirely faded when the government's welfare ministry announced plans in 2015 to hire 14 hijras in junior positions under the country's first quota system to benefit a heavily stigmatized community, but the program is now underway. amid uncertainty after 12 people shortlisted for the job were classified as "adult males" and failed standard medical screening requirements. On the one hand, doctors and government officials recognized these 12 individuals as non-Hegira bodies. There is information about the Hijra in various religious scriptures. In different parts of the world the Hijra is called in different ways, for example transgender, eunuch, etc. There is less. Hijras are people who have the same feelings as men and women but cannot be with their families and the society into which they were born. As human beings, they have the right to enjoy the opportunities and comforts of society. Again, society has a duty to serve this group, just like other disabled people, in order to properly fulfill their duty and responsibilities. Because of this, the problems, challenges, and other issues of the Hijri community must be properly examined. But the research on this is very limited. This study was therefore undertaken to learn more about the difficulties of Hijra life and the challenges that will arise in the mainstream. In addition, he also tried to examine the social stigma and discrimination of the Hijra community in Bangladesh.

---

<sup>28</sup> ibid

<sup>29</sup> ©Daffodil International University

### 3.2 Policy Review:

Before reviewing the policy, the author obtained the reviewers' written consent and ensured that the names of the villages, upazila and relatives were kept secret when they provided comments on the questionnaires, while their names and county names were disclosed on a voluntary basis Approval. The author disclosed some information in the methodical part with the consent of the participants, such as: B. their demographic characteristics. The researcher also does not analyze data that would be wrong for anyone or for the organization. Basically, the researcher followed a comprehensive research ethic for this purpose.

### 3.3 International Law:

International law some people of the in here Bangladesh . there are All over the primary both gender male and female there are some one having to some people characteristics of both genders, male and female, is identified as Hermaphrodite/Intersex person commonly known as Hijra in Bangladesh <sup>30</sup>. In medical perspective they are such <sup>31</sup> persons whose body does not confirm to arbitrarily qualified <sup>32</sup> criteria either that of male or female physique and thus, confusing only so far their sex is concerned but are human beings. Therefore being to the India year of 2007 a creation of the government. Almighty there is no reason of not treating them as human having rights liabilities and other privileges that naturally come along. Rightly , Bangladesh and India began to recognize them as third gender by the Government policy of the international law of Nepal 2009 and Pakistan 3013 decision or by rulings from the apex court of the country . The Constitution of Bangladesh it is being solemn expression of the peoples will and the supreme law of the land , recognizes and guarantees. Its citizens the fundamental rights in order to protect their life the liberty and property . In these endeavor, sovereign legislature of various municipal laws to ensure legal rights. There are constitutional commitments pledges. Although, at times they lack behind or could not live up to common expectations and required need, and this is where the gap exists, which in most people in the cases law. the cause of social discontent and resentment. In the Indian sub-continent, citizens are the governed by their own personal laws (unlike western world) in relation to family matters as well as inheritance and succession. There is fallacy that rights of To embrace the issue in simplified , a Hijra will be characterized as a male

---

<sup>30</sup><https://www.thedailystar.net/news/cabinet-approves-hijra-identity>

<sup>31</sup> ©Daffodil International University

<sup>32</sup> ibid

when he has sexual in this gender of people associations with his male reproductive organ , has capabilities of reproductive organ , has capabilities of nocturnal discharge like men , is inclined to woman , produces facial hair and his testimony of his inner - self . On the other hand, when a Hijra has sexual affairs with her female reproductive organ, becomes pregnant, practices menstruation, experiences growth of breasts like women along with lactation will be considered as female and thus, once the gender can be determined, the Hijra will succeed as male or female accordingly in all cases. However if any thing to the people of legal research in the nothing or all of the above symptoms occurred then such person will not be assigned a gender rather be termed as hermaphrodite difficulty and here exists difference of opinions among Islamic jurists as to their share of inheritance but no disagreement on the issue that Hijras would have rights of inheritance as discussed above across contemporary Muslim world like in Iran India etc. and they made provisions to that effect within their made provisions to that effect within their national legal regime . Like Islamic jurisprudence, under the Bhagwan<sup>33</sup> School of Hindu jurisprudence the inheritance rule is also gender - based, and accordingly the same conceive that as Hijras are not categorized either as male or female, they remain excluded from inheriting their ancestral property. But , such rational does not stands in as much as the modern medical science is quite capable of determining the gender by applying medical test on Hijras through thus a human is either a male or female. Moreover , the orthodox jurists of Hindu law are also to some extent more conservative or rather rigid in the sense that they even opine and are eager to consider some congenital and incurable.

Defect of a human as enough to exclude them from inheriting property. Other minority religious communities of Bangladesh, i.e. Christians and Buddhists used to follow the Succession Act, 1925 and surprisingly here too the share of International law. The Bangladesh constitution prohibits discrimination based on religion, race, sex and caste (Sexual Rights Initiative 2009, p. 1). The Penal Code of 1860, in Art. 377, clearly defines the prohibition of physical relationships contrary to the order of nature. The penalty<sup>34</sup> can be up to ten years in prison (Sexual Rights Initiative 2009, p. 3) or even life imprisonment (Goodwin 2010, p. 3).23). The law's ambiguity can also penalize heterosexual activity, which is considered contrary to the order of nature. Thus, according to this section of the Criminal Code, no proceedings were pending (Sexual Rights Initiative 2009, p.3), but were enforced in the normative sense; where it is considered acceptable

---

<sup>33</sup> ©Daffodil International University

<sup>34</sup> ibid

for law enforcement and others to intimidate those who do not conform to the hetero normative structures of Bangladeshi society

The government has decided to hire Hijras as traffic cops starting next fiscal year, with the aim of gender rehabilitation and providing them with new job opportunities (Dhaka Tribune, 2015). The government has taken several initiatives to improve the life of the Hijra community. In FY2012-2013, a reconstruction program was launched in 7 districts of the country including Dhaka, Chittagong, Bogra, Dinajpur, Patuakhali, <sup>35</sup>Sylhet and Khulna. Approximately 7,217,000 BDT was allocated to the program during fiscal year 2012-2013. Through this development program, 135 Hijra disciples have received Hijra

scholarship holders and 350 Hijras over 18 years of age undertook training to improve their skills. In total there were 485 beneficiaries. Approximately BDT 40,731,600 was allocated to the program during the 2013-2014 financial year. In 2013-2014, another 14 districts were added to the development program. The areas include Dhaka, Chittagong, Bogra, Dinajpur, Patuakhali, Sylhet, Khulna, Rajbari, Netrokona, Gazipur, <sup>36</sup>Chandpur, Lakhhipur, Brahmanbaria, Comilla, Jhinaidah, Kushtia, Firojpur, Jaipur-hat, Serajganj, Naogaon and Faridpur. Through these development programs, 1,071 Hijras have received old-age pensions, 762 students have received and benefited from scholarships. And about 950 Hijras over the age of 18 will have abilities and will be trained. After training 10 hijras per district, they received 10,000 BDT per capital as a rehabilitation grant. The total number of beneficiaries is 2903. (Department of Social Protection, 2015)

In FY 2014-2015, the program was awarded approximately BDT 45,872,000 and 1,300, 789 and 900 people received age allowances, scholarships and staff training respectively. After training 20 hijras per district, he will get this 10,000/- (ten thousand) per capital<sup>37</sup> as rehabilitation grant and 360 people will be the beneficiaries. The total number of beneficiaries is 3,349 hijras. (Department of Social Security, 2015)

They have provided for this in their relevant legislation in their national legal order. Like Islamic jurisprudence, the Bhagwan school of Hindu jurisprudence bases the principle of inheritance on gender, and thus remains the concept that because hijras are not classified as male or female, the inheritance of ancestral property remains excluded. But such reasoning is insufficient as long as modern medicine is able to determine sex by applying a medical test to hijras and making a person

---

<sup>35</sup> <https://journal.baiust.rdu.bd.....>

<sup>36</sup> ©Daffodil International University

<sup>37</sup> ibid



male or female. In addition, some orthodox Hindu jurists are also more conservative or strict in the sense that they also express opinions and some readily believe that they are innate and incurable.

Human vice is enough to exclude him from the succession. Other religious minorities in Bangladesh, namely Christians and Buddhists, followed the Inheritance Law of 1925.

### **3.4 Legal definitions:**

Bangladesh is a signatory to both the International Covenant on Civil and Political Rights and the International Covenant on the Economic, Social and Cultural Rights of Sexually Diversified Persons. The Bangladesh National Human Rights Commission<sup>38</sup> can play an important role in addressing human rights issues related to sexual orientation and gender identity. According to a study by the Department of Social Welfare, there are about 9,285 Hijras in Bangladesh. Due to the lack of laws recognizing the status of

hijras in Bangladesh, these people have often been deprived of basic civil rights such as property rights, inheritance, employment, education and health care. There are recent examples of laws aimed at remedying this situation by recognizing the legal<sup>39</sup> status of hijras. The Bangladesh government has offered the “opposite” gender category in passport applications since 2011, and in 2013 granted “third gender” status to about 10,000 Hijras living in the country. Hijra 21qwarights, at the same time the government continues to enforce laws punishing citizens for homosexuality with

prison sentences ranging from 10 years to life. Section 377A Bangladesh Any person who has intercourse with a man, woman or animal contrary to natural order shall be punished with imprisonment (life imprisonment) or imprisonment of any kind for a period not exceeding ten years plus a fine,

### **3.5 Legal status of other Hijra countries:**

Bangladesh is a signatory to the recognition of the International Hijra Convention, which outlines civil and political rights and the Hijra Convention in other countries. Interviewed prior to writing this article, Hijra revealed how much material is being exploited. Hegira, who was interviewed

---

<sup>38</sup> ibid

<sup>39</sup> ©Daffodil International University

prior to this letter, expressed how this article presents the legal status of the Hegira community: The country's government introduced the bill to Parliament on August 2, 2016.

**Nepal:** Nepal In 2014, this court ruled that these people were transgender, so it appears bail based on previous Hijra service can be granted in perpetuity. So if a person holds something in another person's possession and then enters into a custody agreement, the thing may not be mailed. In this case, the art. 377 of the present provides for a guarantee again. In this case, the transfer of ownership is unnecessary and the rental agreement can be based on this extraordinary delivery.

**India:** Latest Legal Development Program owned by Hijri Legislators 2014 In 2015, the Hijra Appeals Department informed the Hijra community of all court cases pending immediately before the start of the trial before the Appeals Department of the Supreme Court. This order will be referred to the Supreme Court and is deemed pending review by the Supreme Court. August 2016, and any judgment or order of the Appellate Division of the Supreme Court made or made before that date shall have the same force and effect as if made or made by the Supreme Court. The High Court Department has a pending case.

**Pakistan:** The Supreme Court of Pakistan ordered in 2009 that all provincial governments should approve transgender rights. Sam submitted the study to the<sup>40</sup> council before submitting the motion for approval, the motion can be put to a vote and if it is passed since the vote in the Sejm, there will be oppression in Parliament of the President who has submitted himself to the Council's scrutiny . There is a Hijra community at 7 Drive Gander, there will be a cabinet for the Supreme Court Parliament to take on the duties of this Hijr community.

### **3.6 Punishment:**

Bangladesh In 2014 the Supreme Court<sup>11</sup> issued an opinion which it took to mean that a reasonable person could rely on the facts before him, so that speculation ignoring clear evidence to the contrary was not protected by this defense. In art. The 66 subsets are added on command, which may be referred to as the third type second bid. Most of the gaps in Hijra life stem from

---

<sup>40</sup> ©Daffodil International University

the recognition of Hijra as a distinct sexual human being beyond the male/female dichotomy. This prevented them from integrating into a broader society with human potential and dignity.

**3.7 Recognizing Hijra:** Hijra, this self-reflectivity is a very important aspect of ethnography. During this time as a researcher, I discovered my prejudices and assumptions and the position of the Hijra in Bangladesh. The first concerns the legislature, since the formally formulated principles are usually burdened by the body. According to a study by the Department of Social Welfare, there are about 9,285 Hijras in Bangladesh. Since there are no laws in Bangladesh that recognize Bangladesh legal status by recognizing different gender Hijra in passport application and third gender status to protect Hijra in government since 2011, at the same time it maintains laws making citizens responsible for the punish deployment. Hijras are often treated with respect and fear. Historical and cultural Hijras are based on an exclusive progenitor of the Hijra community centered around the

Supreme Court in Bangladesh.

### **3.8 Procedure:**

Hijra Procedures Often born male but appearing and dressed in traditional female fashion, there is a human rights Hijra community that has<sup>41</sup> survived without 200 years of significant stigmatization of British positions, including participation The -year-old - and Rima's only job hope, a 26-year-old Hijra - explained: "It was obviously a happy event. Wherever we go, there are only two genders.

There are aspects of ethnography as important as self-reflection. It defines my comfort zone. I have to run into a racing car to meet my Owen. There is a community of Hijras in Bangladesh, the third basic gender of the Haze Ben government that suggested others in the gender category to have Section 377a of the Discrimination Law of Bangladesh Penal Code which provides gender protections in Bangladesh and no law respecting gender diversity , call an ambulance .Vulnerability of prostitutes to laws requiring respect for gender.

### **3.9 Executive Bodies:**

---

<sup>41</sup> ©Daffodil International University

Interpersonal Their gender is not specific and they have both masculine and feminine characteristics. This includes a transgender person or someone transitioning into a different gender. The word Hijra comes from a Semitic Arabic root via the Urdu-Hindustan word for leaving one's tribe and was borrowed from Hindi. <sup>42</sup>The English word eunuch or hermaphrodite, denoted by the Indian term hijra, which generally means an abnormality of the male genitalia. Basically, they are born with a male physiology; Some of them are born with intersex male strains. In Bangladesh, a hijra is a person who has all the basic characteristics of both genders, male and female. From a medical point of view, these are people whose bodies do not meet the arbitrarily qualified criteria of male or female constitution and therefore only deceive about gender, but people who were considered "against the order of nature". "From the passage of Section 377 in 1858 until it was declared unconstitutional on September 6, 2018, Section 377 has been used as an excuse to denounce and punish the governing body as an outcast. This social exile is responsible for the socioeconomic problems and medical problems faced by the Hijra. Hijras are vulnerable to economic challenges due to the stigma they face. They are denied educational and employment opportunities and are discriminated<sup>43</sup> against in all areas of life.

### **3.10 The International Covenant on Civil and Political Rights:**

The international law civil and political rights (ICCPR) is a piece of international law that Bangladesh has adopted and that addresses all political facets of the country's government. The powers of procedure stage are likewise included in the right-hand column. The most significant of enduring legal political rights have been characterized as being covered by international law. Some from Bangladesh's government stage have been connected to the public.

### **3.11 Jurisprudence:**

The Supreme Court of India has ruled that transgender people are entitled to legal recognition based on their gender identity, including the third gender. The lack of such legal recognition constitutes a violation of the right to equality before the law, non-discrimination based on sex and the right to life with dignity and freedom.

facts

---

<sup>42</sup> [www.academia.edu...](http://www.academia.edu...)

<sup>43</sup> ©Daffodil International University

India is home to a large and diverse transgender population. The term "transgender" is used as an umbrella term to include Hijra/eunuch people, i.e. H. People who were biologically born male and do not identify as such, transgender people who have transitioned to the opposite sex and identify as such, intersex people, and transvestites. In particular, Hegira claims that she identifies as neither male nor female, but as a third gender.

While many state governments<sup>44</sup> have taken steps to recognize and protect the rights of transgender people, not all have done so. There are no laws governing the rights of transgender people in India. In most cases, transgender people cannot obtain legal recognition of their preferred gender and have no legal protection from discrimination.

The National Legal Services Authority and the Women's Welfare Society (applicants) petitioned the Supreme Court of India on behalf of transgender people in India. The plaintiffs argued that under the Indian Constitution they had the right to be recognized as their preferred gender if that gender differed from their assigned gender, including recognition as a third gender.

The relevant laws are contained in Part III of the Indian<sup>45</sup> Constitution. of art. 14 or the right to equal recognition and legal protection.

art. 15 and 16 or the right not to be discriminated against on the basis of sex.

Art. 19 let. a), i.e. the right to freedom of expression e

of Article 21 or the right to a dignified life and liberty.

decision

According to the Indian Constitution, all international conventions, including human rights treaties, which do not conflict with the fundamental rights of the Constitution and conform to their spirit, are to be incorporated into the relevant provisions of the Constitution. The question put to the court was: what protection and recognition does international human rights law afford transgender people and how is it to be interpreted in the relevant constitutional provisions?

Articles 15 and 16: According to the Court, discrimination based on gender identity is included in sex-based discrimination. As a third gender, hijras are viewed. Their lives are unique from

---

<sup>44</sup> [www.researchgate.net...](http://www.researchgate.net...)

<sup>45</sup> ©Daffodil International University

everyone else's, and the state owes it to them to help them attain equality by taking affirmative action.

Article 14: The Court ruled that the article referring to "persons" was not limited to men and women. Transgender people who are neither male nor female fall within the concept of "person" and are therefore entitled to legal protection, including equal civil and civil rights. Failure to recognize the identity of transgender people deprives them of the same protections, exposing them to harassment, violence and sexual assault in public places, as well as extreme discrimination in all areas of social life. The Court therefore ruled that Section 14 prohibits discrimination based on sexual orientation or gender identity.

### **3.12 The Court has issued a number of orders and declarations:**

Hijras and eunuchs must be treated as third sex to protect their rights under the Constitution and laws passed by Parliament;

The right of transgender people to choose their gender is respected, and central and state governments must legally recognize their gender identity as <sup>46</sup>male, female or third gender. The government should provide affirmative action and affirmative action for transgender people in school admissions and public service, and provide social support programs.

comment

The legal recognition and protection of gender and <sup>47</sup>gender diversity in society has received significant attention and interest in recent years. The case comes just two weeks after Australia's NSW Births Deaths and Marriages v. Norris [2014] HCA 11 in which the Supreme Court ruled that persons cannot legally be considered male or female. The United Nations Human Rights Office recently launched the Free and Equal campaign for LGBT rights around the world.

This case provides an in-depth analysis of how international human rights law can protect gender-sensitive people and gender diversity at many levels, including life and liberty, non-discrimination and equality before the law.

---

<sup>46</sup> ©Daffodil International University

<sup>47</sup> Ibid322

However, this case appears to go beyond established current case law on one important point, namely the extent to which the court recognizes the primacy of psychological identity over biological identity. The Court successfully concluded that the right to life, liberty, dignity and autonomy requires that our legal understanding of gender be based solely on a person's self-identification, ie their perception of their own gender. The biological properties are therefore irrelevant. It's fairly new, although Argentina has a similar approach. In most countries, gender is still defined as including a reference to the recognition of people's physical characteristics that are differentiated by sex.

**3.13 conclusion :** In this third chapter, I did some study on hijras. According to article 27-43 of Bangladesh's international law, the hijra could apply to third gender based on how they conduct their life and how much money they make. If any citizens were of a different gender. The Hijra community in Bangladesh has fundamental rights, and anyone who has been wronged can file a complaint. However, the issue of Bangladesh's Supreme Law is very important in person.

## Chapter Four

### Social and Legal Challenges of Hijra community

#### 4.1 Introduction:

This paper I have discussed secondary <sup>48</sup> in my theses chapter number Four will attempt to form and of the life of transgender people or hijras living in Bangladesh. It will provide a cultural and historical background on the conditions of the figure of the hijras. Therefore, it will show how hijras live and how their communities are structured. The crucial aspect is the social exclusion that they experience at the extreme margin of the society, given that they do not have any socio-political space. Their deprivations are grounded<sup>49</sup> in non-recognition as a separate gendered human being beyond the male-female dichotomy. This explanation will guide the reader to the second part of the article, which mainly focuses on the physical and verbal abuses that transgender people suffer due to their main job as sex workers. Indeed, these people are constantly humiliated because of their social status: they face human rights violations even by police officers. This implies having to bear a strong stigma for the entire life. Although in January 2014,

---

<sup>48</sup> ibid

<sup>49</sup> ©Daffodil International University

the Bangladesh cabinet announced the recognition of a third gender category, it was not implemented even in the people's national identity cards. Bangladeshi society has taboos that force these people either to assimilate and hide their gender orientation or to live their lives as the most marginalia group.

#### **4.2 Discuss Secondary Questions:**

- What is the Hijra gender?
- Where did the Hijra come from?
- Do hijra have private parts?
- The life style of Hijra in Bangladesh?
- Bangladesh right of Hijra community?
- What is the rights of LGBTQ?
- Social Legal Challenge Hijra Community in Bangladesh:
- What is the relationship between the human rights of the hijra community and their present status in the social of Bangladesh?

**4.3 Explain the answers of my secondary Question :** 4.3 Explain the answers to my supplementary question:

##### **1. What is the gender of the Hijra:**

Hijra is considered the third gender in this society. You live in this society. In this society they are perceived differently. They don't have a separate work<sup>50</sup> station like Honkam. Live with everyone in their company. Under Section 377. This law was used to criminalize all same-sex sexual activity and was used to justify discrimination and abuse.

##### **2. Where does the Hijra come from?**

There are some recent achievements that have helped the Hijri. The Transgender Rights Act, drafted in 2014 and promulgated in 2016, was an important step in protecting the Hijri community. The law prohibits many forms of discrimination against Hijras and prohibits forcing Hijras to beg or leave their homes. Other benefits include the establishment of a committee

---

<sup>50</sup> ©Daffodil International University



focused on supporting Hijra education, access to scholarships and textbooks. The law also allowed Hijras to be considered socially and economically disadvantaged, which qualifies them for the benefits of India's support scheme. However, the bill also has disadvantages. Hijras must go through the district selection process to obtain gender certification and a third party ID card. This approach can result in hijra benefits being denied based on the decision of an unoverseen committee made up of people untrained in gender identity issues. Also in 2014 was a historic Supreme Court ruling officially recognizing the existence of the third gender. This allowed Hijras

### **3. Does Hijra have a private life?**

Hegira has a private life. They are considered the third gender in this society. You live in this society. In this society they are perceived differently. You do not have your own job as a source of income. Live with everyone in their company. They prefer not to review their own work. They all live in groups according to Hijra familial socio-political behavior, but it is rare to find research studying Hijra genitalia.

### **4 .Hijra lifestyle in Bangladesh?**

Hijras are considered the third gender. Your life is different from that of others. They are often excluded from society for one reason or another. Because they don't have families of their own. Because we have to live with 5 other people in the company, but they can't want it. Because society doesn't always remember it. The Bangladesh government has done a lot for them. The Bangladesh government has given Hijras full rights to live beautifully in society and the same rights as 5 other people have been granted. Bottom of Form <sup>51</sup>Body is a transgender social activist living in the Murrain suburb of the capital, in the Tortola suburb, where dozens of makeshift tin houses provide affordable housing for several hundred transgender people. Hijra is an umbrella term for people who were born male but do not identify with either gender.

Bob is now the director of the NGO Sus-tho Jib-on, which provides medical assistance and advocates for the rights of transgender people in Dhaka. It also offers free accommodation to 15 transgender people in the area.

---

<sup>51</sup> ©Daffodil International University

## **5. Community Hijri law in Bangladesh?**

Hijras are considered the third gender. Your life is different from that of others. They are often excluded from society for one reason or another. Because they don't have families of their own. Because we have to live with 5 other people in the company, but they can't want it. Because society doesn't always remember it. The Bangladesh government has done a lot for them. The Bangladesh government has miraculously given the Hijras full rights to live in society and the same rights as 5 other people have been granted. When hijras raise money on the streets, they have resorted to the traditional series of lead tails, smacks and slaps in a provocative public display of their castrated genitals. These acts are believed to bring bad luck to those who do not pay for them on deck (Human Rights Watch, 2016a). Unequal power relations between men and hijras also occur when working as prostitutes. Most of them are forced to sell sex between the ages of 8 and 12 and donate their

earnings to gurus. This job means being sexually harassed as they are forced to have unprotected sex with clients. They are abused and beaten without the policeman's help. This is also because Hijras rarely report incidents to the police for fear of further prosecution

## **6. What are LGBTQ parties?**

Lesbian, gay, bisexual and transgender (LGBTQ) rights are severely repressed in Bangladesh. Due to conservative attitudes in Bangladeshi society, negative views of homosexuals are very high. Homosexuality is illegal under Bangladeshi law, adopted by the British Indian Government Section 377 in 1860. Under the law, the penalty<sup>52</sup> for same-sex sex is imprisonment. It is dangerous for those who identify as gay to come out out of social rejection, hatred or aggression in society.

Explanation: Penetration is sufficient to constitute sexual intercourse necessary for the crime described in this section.

The scope of Article 377 extends to all sexual relations involving the insertion of the penis. Therefore, consensual heterosexual acts such as glorification and anal penetration can also be punished under this law.

---

<sup>52</sup> ©Daffodil International University

In 2009 and 2013, the Bangladesh Parliament refused to repeal Section 377. Bangladesh law does not recognize same-sex partnerships, civil partnerships or any type of same-sex partnerships. Even the people of Bangladesh don't support them. Consensual romantic relationships and same-sex marriages are supported, although social conservatism is an obstacle in this regard (society is less supportive), as society is culturally based on a system of "arranged guardian marriages".

On July 23, 2013, a lesbian couple was arrested for secret marriage. Shirtfront Roy Puja, a 16-year-old Hindu, and Sanjida Akter, a 21-year-old Muslim, fled their hometown to the capital Dhaka and were married in a Hindu ceremony. They were then arrested and threatened with life imprisonment. Similarly, in October 2013, another lesbian couple was arrested for their affair. One member of the couple was described as short-haired and identified as a husband. Police ordered them to undergo a gender identification test, and doctors claimed they were women. The case was dismissed under Section 209, which deals with non-social activities. There is no legal adoption route for same-sex couples in Bangladesh.

Bangladesh is a country where society allows same-sex friendships; but physical contact between opposites is not. When it comes to homosexuality, it is still taboo throughout Bangladesh and most Bengali are unaware of its true meaning. Since homosexuality is taboo (even the word is taboo) and classified, society does not<sup>53</sup> know its original definition. Some people view same-sex sexual acts in the same way that "sodomy" was viewed in British colonial times; have no general idea of same-sex romance, are unaware of it and only see the friendship (or lack of sexuality) between them

people of the same sex. Bengali also forbid speaking to strangers of the opposite sex. Bangladeshi literature has a rich community of authors, and major authors have never promoted homosexuality, although they have promoted heterosexual romance.

---

<sup>53</sup> ©Daffodil International University

## **7. Social and legal challenge Hijra community in Bangladesh:**

Bangladesh is a signatory to both the International Covenant on Civil and Political Rights and the International Covenant on the Economic, Social and Cultural Rights of Sexually Diversified Persons. The Bangladesh National Human Rights Commission can play an important role in addressing human rights issues related to sexual orientation and gender identity. According to a study by the Department of Social Welfare, there are about 9,285 Hijras in Bangladesh. Due to the lack of laws recognizing the status of

hijras in Bangladesh, these people have often been deprived of basic civil rights such as property rights, inheritance, employment, education and health care. There are recent examples of laws aimed at remedying this situation by recognizing the legal status of hijras. The Bangladesh government has offered the “opposite” gender category in passport applications since 2011, and in 2013 granted “third gender” status to around 10,000 of the country's Hijra residents. Although Bangladesh has enacted laws protecting the rights of the Hijra, the government has continued to enforce laws punishing citizens for being gay (although the

Hijras do not always identify as gay, they are sometimes prosecuted for being gay), with prison sentences that ranging from 10 years to life imprisonment. Section 377A of the Bangladesh Penal Code states: “Anyone who engages in unnatural sexual intercourse with a man, woman or animal shall be punished with (life imprisonment) or imprisonment of any kind for a period not exceeding ten years, and shall also be liable to a fine.”<sup>54</sup> There is no hate crime law in

Bangladesh that applies to crimes committed by the perpetrator based on the sexual orientation or gender identity of the victim. Bangladesh does not have anti-discrimination laws that specifically protect sexual minorities, nor laws that give free recognition to fomenters, local influencers, and the police (Khan, Hussein, and Parveen, 2009).

## **8. What is the relationship between the human rights of Hijras and their current social status in Bangladesh?**

---

<sup>54</sup> ©Daffodil International University

Although the Bangladesh government has recognized Hijras as a “third gender”, this recognition cannot guarantee the social acceptance of these people. They cannot learn in schools because their peers and even teachers do not treat them well; They don't get good jobs due to lack of education, Hijras don't even offer jobs that don't require literacy because employers and other workers can't accept their presence in the workplace. They have no medical facilities for doctors and the staff feels uncomfortable serving them and sometimes abuses them. The most pathetic fact is that they cannot even live with their families. Parents, siblings and other family members are uncomfortable revealing their identities. So they must hide the fact of their gender and either assimilate or leave the family. Both are undoubtedly very difficult options to choose from. The Hijras who were interviewed prior to writing this article told us how abused and abused they are at every stage of their lives. As children, they are boycotted by children they want to play with, scolded by teachers and elders in their families and neighborhoods. More often than not, they are forced to give up their feminine qualities, over which of course they have no control. Sometimes when they grow up, in the family.

#### **4.4 Social exclusion and access to health/employment services:**

Social exclusion results from unequal power relations in the dimensions of culture, economy, politics and interpersonal relationships (Popay et al., 2008). Social exclusion can occur in the context of families, circles of friends, social organisations, workplaces or religious groups. Social exclusion is associated with poverty (Sen, 2000), poor mental and physical health, limited access to education and lack of political participation (Popay et al., 2008). Social exclusion leads to a lack of resources, an inability to fully participate in social relationships and activities, and a lack of participation in cultural and political events (Levitas et al., 2007). Gender is a distinct disadvantage in poor environments (CPRC, 2005). The intersection of gender injustice and economic precocity poses legal educational challenges for women and gender non-conforming people

**4.5 Social development of the transgender community:** Transgender people have been an integral part of Indian culture for millennia. In the early texts of <sup>55</sup>ancient India there was

---

<sup>55</sup> ©Daffodil International University

historical evidence of the acceptance of the "third sex", or persons who could claim neither male nor female. In Hindu mythology, poetry, poetry and late Vedic and Phrenic literature, there was the concept of "tritiyaprakriti" or "namesake". The word "homonym" has been used to describe lack of reproductive ability, which is a distinction between male and female sexual intercourse.

Some early texts deal extensively with sexuality and the idea of a third sex, a well-established idea. In fact, Jain's article even mentions the concept of "gender," which emphasizes a person's psychological makeup separate from their personal characteristics. Through the epic Ramayana, the story was revealed that after 14 years of exile from the kingdom, Lord Rama left the forest, addressed his followers, and called for all "men and women" to return to the city. Only the Hijras felt compelled to follow this path and decided to remain with him among his followers. Impressed by their loyalty, Rama authorized them to perform favors such as birth and marriage, as well as professional duties, at opportune times that would provide a venue for badhai practices, during which the hijras would be chanted, danced, and blessed.

The only condition he made was to spend the last night of his married life. Aravan, son of Arjun and Narayan in the Mahabharata, brought offerings to the goddess Kali for the Pandan's victory in the war against the Millstones. Since none of the brides were willing to meet the dying man, Krishna takes the form and marries him as a beautiful lady named Mohini. Aravan was the ancestor of Tamil Nadu and is called Aravani

#### **4.6 Social suffering of transgender**

The people Transgender is a class in the LGBTQIA+ group. They belong to a marginalized community struggling with legal, social, cultural and economic difficulties. The problems faced by the transgender community in India are exemplary

Discrimination, disrespect, prostitution etc.

Sexually Transmitted Diseases and HIV/AIDS Issues: The term <sup>56</sup>“MSM” is used to describe male versus male. As a result, most transgender people face socioeconomic problems such as STDs and HIV, AIDS, and low literacy levels. It aims at inadequate medical care.

Social exclusion: A key issue throughout the process is social exclusion from society. They are excluded from participation in social, cultural and economic life. In short, they differ in the following aspects:

Economy, work and livelihood

Disable the right to abuse

Limited access to education, medical and private care

Restricted access to government area, overall

#### **4.7 International Legal Instruments for Hijra or Third Gender:**

International Human Rights Equality and Non-Discrimination Law Does the Hijra have privacy? To be considered a third gender in this society. You live in this society. In this society they are perceived differently. They don't have a separate work station like Honkam. Live with everyone in their company. Their gender is not specific and they have both male and female characteristics. This includes a transgender person or someone transitioning into a different gender. The word Hijra comes from a Semitic Arabic root via the Urdu-Hindustan word for leaving one's tribe and was borrowed from Hindi. The English word eunuch or hermaphrodite, denoted by the Indian term hijra, which generally means an abnormality of the male genitalia. Basically, they are born with a male physiology; Some of them are born with intersex male strains. In Bangladesh, a hijra is a person who has all the basic characteristics of both genders, male and female. Medically, they are people whose bodies do not fit the arbitrarily qualified criteria of male or female stature and thus only confuse <sup>57</sup>their sex, but they are people. They prefer not to review their own work. They all live in groups like a family. However, the concept of sexual orientation and gender identity is addressed by various human rights treaty bodies

---

<sup>56</sup> ©Daffodil International University

<sup>57</sup> ©Daffodil International University

where issues of equality and non-discrimination are protected, including the United Nations Human Rights Committee, Economic Law Committee, Social and Cultural.

#### **4.8 The Universal Declaration of Civil and Political Rights**

Article 19 of the International Covenant generally applies to third gender individuals. Article 21 of the United Nations Charter guarantees the freedom of peaceful assembly, while the International Covenant on Civil and Political Rights provides that everyone has the right to freedom of association. It is very challenging to use the main protected by article 22 the majority of people international law it has been important provision article 26 said that all persons throughout the world are frequently equal before the law and are entitled to equal protection of the law without any discrimination.

#### **4.9 Social challenges of Hijra community:**

The concepts of human rights and equality were the theme of the 20th century. However, Bangladeshi Hijras are commonly referred to as people who are neither male nor female. Most people consider them incapable of having sex. The right to education remains a fundamental principle of state policy in our country. The truth is that many people in our country are partially deprived of the right to education. But it is unfortunate that the Hijra communities of this country are completely excluded from this law. »

2. Due to his lack of education, the Hijra cannot find impressive employment in society.

3 There is a misconception that the laws of the hijras are not specifically defined. In particular, inheritance law.

4. The Hegira remain socially excluded, live on the fringes of society, in ghetto communities, harassed by the police and mistreated by society. Most make a living singing and dancing at weddings or celebrating the birth of a child, and many have turned to begging and prostitution. Violence against Hijra, particularly Hijra prostitutes, is often violent and takes place in 54 public places, police stations, prisons and in their homes.

#### **4.10 Conclusion:**



In the constitution of our state guarantees the promotion, protection, and realization of the rights of every individual, regardless of sexual orientation.<sup>58</sup> A significant improvement is the identification of the hijra community as a distinct gender. This appreciation, however, was penned on paper and ink. They are, nevertheless, the most unfortunate of the unfortunate. The state must develop and put into effect laws, regulations, and programs that support hijras' constitutional rights, including their right to be safe from harm and discrimination, their right to equality before the law, their right to vote and to run for office, their right to a living, their right to accurate media representation, and their right to freedom of religion.

## Chapter Five

### Findings and Recommendations

**5.1 Introduction:** This article examines the socio-economic and cultural barriers faced by 'transgender people', commonly referred to as 'Hijra' in Bangladesh. Civil and Judicial Rights.

The legal situation is very difficult for us. very different from transgender people (Hijra) in Bangladesh is not significant. There is no personal information about the first appearance of Hijras in historical Bangladesh. However, there is evidence of their existence in cultures such as the Greek and Roman periods. Our country's constitution is committed to promoting, protecting, and fulfilling the rights of all people, regardless of sexual orientation. The recognition of the Hijra people as a distinct gender is a major step forward. However, this acknowledgment is written in ink and paper. However, they are the largest elite group, even in the Middle Ages,

men disguised as women. According to some Hindu mythologies, transgender people existed in the ancient Indian society of the word. They weren't known<sup>59</sup> as transgender back then, they were mostly known as gay people.

---

<sup>58</sup> ©Daffodil International University

<sup>59</sup> ©Daffodil International University

## **5.2 Explain my basic question:**

**What is the relationship between the human rights of the Hijra community and their current status in the social context of Bangladesh?**

**5.3 conclusions from the basic questions:** The use of the term “social exclusion” in Bangladeshi literature, as in many regions, has recently become popular due to its relevance to policy and practice. A few definitions are worth mentioning: social exclusion is the accumulation of merging processes with successive ruptures, resulting from the nature of economics, politics and society; Individuals, groups, communities and territories are increasingly alienated and placed in inferior positions in terms of center of power, resources and dominant values. It arises from exclusive power relations. Thus, the exclusionist rejects social relationships that prevent access to resources and services and violate the civil rights of individuals and groups.

Silver offers three paradigms – solidarity, specialization and monopoly – rooted in economic, social, cultural and political contexts. These paradigms were set in the context of republican, liberal and social democratic societies. Their relevance to Asian Muslim society has not been studied. Socially excluded individuals or groups cannot participate in normal social activities. Factors contributing to social exclusion include poverty, non-dominant social identities, e.g. race, ethnicity, religion and gender; social places (migrants, refugees); demographic characteristics (occupation, level of education); and health conditions, including Disability, stigmatized diseases such as HIV and AIDS. The social, economic, cultural and political aspects of exclusion force the deprivation of basic livelihoods.

## **5.4 The findings of the secondary questions:**

**Summary 1** I am studying all primary secondary questions here. Hijras are researched here in all their countries of residence. They have obtained the citizenship of Bangladesh. They live with a sense of their own rights. They provide their own workplace, clothes and accommodation hijras people who, assigned male at birth, identify as feminine later in life and prefer to be recognized as hijra or a third gender.

**5.5 Transgender:** Tran’s gender males have a male gender identity that is not consistent with the female gender declared at birth of other. Although we have not<sup>60</sup> done any practical research yet, other national the international studies (e.g., Human Rights Watch) indicate that the transgender or hijra population in Bangladesh the experiences hostility from the community.

**5.6 Exclusion from family and social challenges:** The Since their birth, hijra people have been subjected to discrimination due to the imprecise way in which the concept of gender is understood. When hijra grew up, they realized that they were different from other males in several ways, such as that they used to play with girls and have feelings for boys. Hijra's sex-gender norms and behaviors are often viewed as unorthodox because they were not accepted by society during her childhood

**5.7 Exclusion from cultural participation:**

Hijras are not treated positively or as human beings by the current social structure. Hijra people have a number of grave problems as a result of their perception as a helpless minority. Hijra is prohibited from going to funerals, marriages, or family gatherings.

**5.8 Exclusion from political and legal participation:**

According to Mal (2015), many sexual monitoring organizations have sufficient political and governance knowledge and interest. Even though third-gender people ran for local government with a sense of social obligation, the public did not recoils promising move, however, was undermined by what came next. Bangladesh does not have a policy outlining the measures individuals must take to legally change the gender marker on their official documents from “male” to “hijra,” and there is no clarity about who qualifies as a hijra. Absent such guidelines, officials involved in implementing the hijra circular have acted on their personal understandings of what hijra means.

**5.9 Conclusion:**

Most hijras are not accepted by their families and separate from them at a young age. Due to social stigma, their employment opportunities are often limited to begging or sex work. Some hijras work in garment factories or restaurants, but they are generally unable to maintain these jobs for long periods of time due to teasing, sexual assault, or harassment stemming from their feminine behavior

---

<sup>60</sup> ©Daffodil International University

## Chapter Six

### Concluding remarks

#### Conclusion:

In conclusion, the hijras who were questioned for<sup>61</sup> this research expressed how badly they are taken advantage of and mistreated at every turn. When they are young, the kids they wish to play with avoid them, and teachers and elderly residents of<sup>62</sup> families and neighborhoods reprimand them. The majority of the time, they are compelled to give up their feminine characteristics, which, obviously, they have no control over. When they are adults, their family may desire them to get married without fully understanding the sexual and psychological differences they have. The hijras, who are frequently referred to by their neighbors as "maypole" (effeminate boys), are well aware that they would be unable to lead a life if they married, their wives can have regular sexual lives. So they have to go out of their house. After leaving home, they have two options for living: they can either live with the hijra guru and do hijra girl, which is difficult in this nation, or they can live independently. Additionally, sexual and mental harassment are a constant in their lives, no matter where they live or what they do. A hijra informant talked about how she was fired from her employment at a clothing factory when it was discovered that she had been coerced into sex with her boss, which was then made to look like she was at fault.

---

<sup>61</sup> Ibid 45

<sup>62</sup> ©Daffodil International University

## REFERENCES

### Journal articles

1. Right of Hijra in Bangladesh: An Overview.
2. Ministry of Social Welfare. (2015, April 05). Living standard development Program for Hijra community. Retrieved May 24, 2015, from Ministry of Social Welfare:
3. Puri, J. (2010). Trans gendering Development. In A. Lind (Ed.), *Development, Sexual Rights and Global Governance* (1st ed., pp. 39-47). Rutledge

### Online journals

1. Pink News. (2013, February 26). Pakistan: First Tran's woman in general election says the community is 'more than dancers and beggars. Retrieved May 10, 2015, from <http://www.pinknews.co.uk/2013/02/26/pakistan-first-trans-woman-in-general-election-says-the-community-is-more-than-dancers-and-beggars/>
2. BBC News. (2013, April 18). Transgender Pakistanis Join Election Fight for First Time. Retrieved May 10, 2015, from <http://www.bbc.com/news/world-asia-22208601>
3. Dhaka Tribune. (2015, May 20). Hijras to be recruited as traffic police. Retrieved May 5,
4. 2015, from [dhakatribune.com:http://www.dhakatribune.com/bangladesh/2015/may/20/hijras-be-recruited-traffic-policy,](http://www.dhakatribune.com/bangladesh/2015/may/20/hijras-be-recruited-traffic-policy)

### Newspapers article

1. Bangladeshi hijras angry over gender testing for government positions. (2015, July 1). Aljazeera America, p. 1.
2. (2010). *Hijras/Transgender Women in India: HIV, Human Rights and Social Exclusion*. United Nations Development Program (UNDP).
3. (2013). *Transgender Health and Human Rights*. United Nations Development Program (UNDP).
4. Hijras, ethnic groups to get SME loans. (2015, June 10). The Daily Star.
5. The Hijra Pride. (2015, January 23). The Daily Star.
6. Hijra facts needed in textbooks. (2016, June 19). The Daily Star, p. 1

7. Hijra shot at Uttara. (2016, February 09). The Daily Star.
8. Hijras assault youth, push him off bus. (2016, November 30). The Daily Star, p. 1.
9. Hijras legally 3rd gender but have yet to get rights. (2016, July 24). The Daily Star, p.10

### **Statues and statutory instruments**

1. The Constitution of The People's Republic of Bangladesh
2. Penal Code, 1860

### **Books**

1. Not Leaving Anyone Behind "HIJRA LIVES IN BANGLADESH" (Photo Book), 27 September, 2017.
2. Farhana Hossen, Story of Third Gender.
3. Conrad, P. (1992). Radicalization and Social Control. P.209-232.
4. Gupta, S. (Published, April 2015). From Transgender to Third-Genders. P. 1-21.

### **Movies**

1. Bon (2011, Pakistani movie), Shoaib Manson.
2. Common Gender (2012, Bangladeshi movie), Noman Robin.

### **Televisions shows**

1. Ta-lash (Broadcasting by Independent).
2. 360 degree Investigation.