



Q What do you know about transgender act 2018. Critically evaluate your answer.

Answer 1 - Introduction

"Transgender are allowed legally for occupation of their choice."

(- Article 25, constitution of 1973)

Transgender act 2018 guaranteed rights of intersex people in Pakistani society. In fact, this act gave legal authority to third gender and protects their rights. Therefore, transgender act also has some criticism in Pakistani society.

2- Transgender act 2018: legalize authority

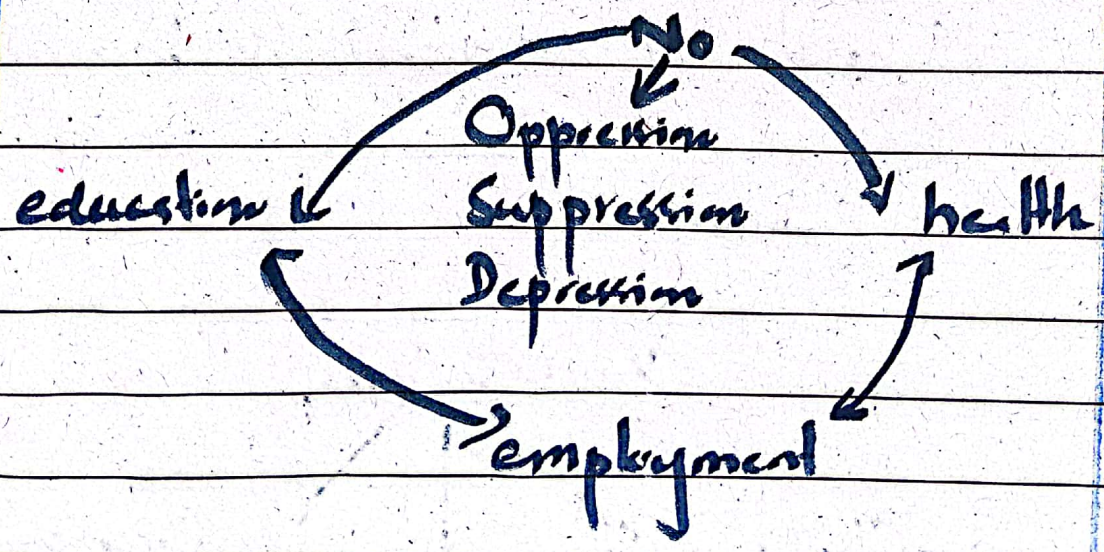


"There would be no oppression, suppression, and depression to third sex in community."

(- Transgender Act, 2018)

Transgender act 2018 guaranteed rights of transgender in community. In fact transgender act legalize right to education, employment, and health. Therefore, transgender act is a protective blanket for intersex people.

Transgender Act 2018



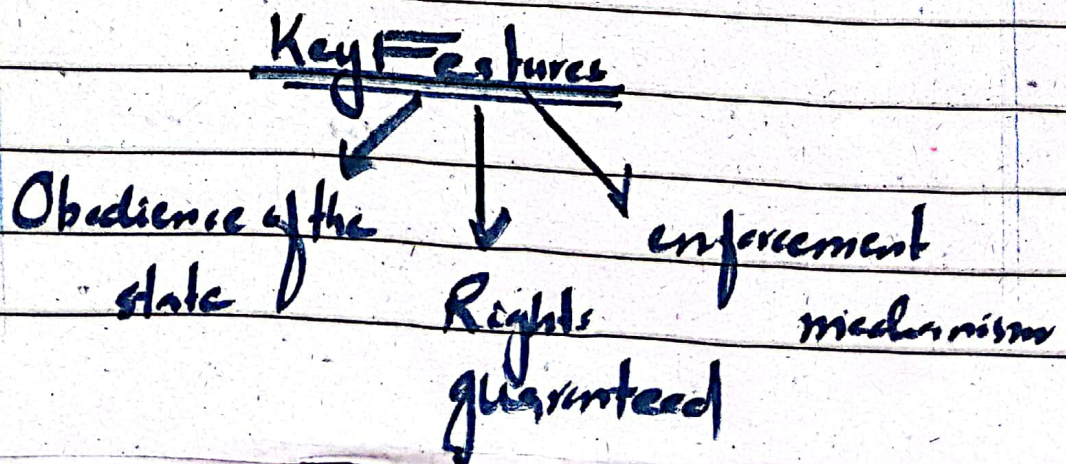


3. Background of Act: an Overview
 "NADRA has to allow national identity to transgenders."
 (The Supreme Court 2012)

The Supreme Court has also guaranteed rights of intersex in 2012. In 2012, the SC has given right to identity to intersex people. Hence, rights of intersex people were guaranteed.

4- Key features of transgender act: an assessment of law

Following are key features:





a) Obedience of the state: obedience of the law

Obedience of the state leads to obedience of law. In fact, fulfillment of law in equal rights guaranteed by obedience.

"Equal right to work, education, health, and employment are secured under Transgender Act 2018."

(Justice Hrishikesh Mishra)

Therefore, obedience of the state is obedience of the law.

b) Rights-guaranteed of intersex people

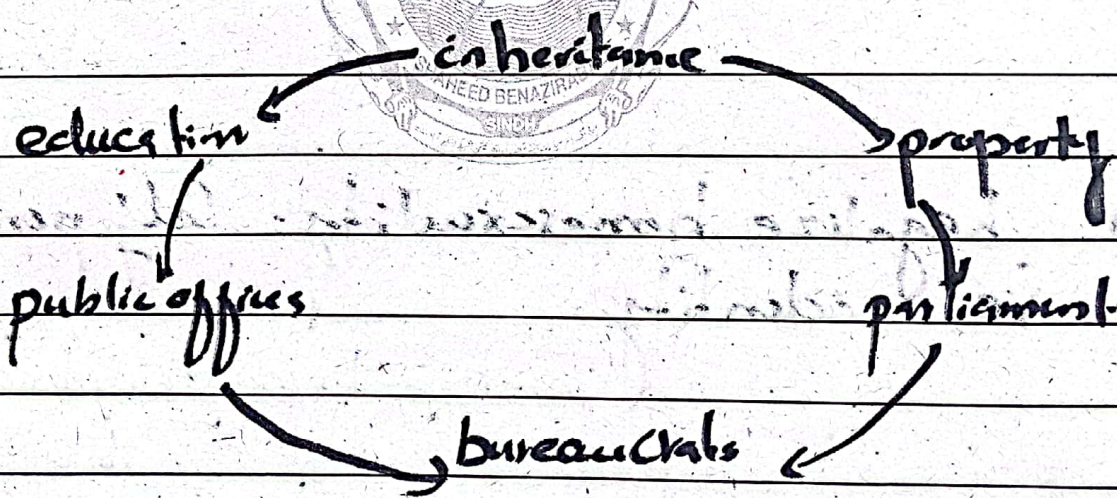
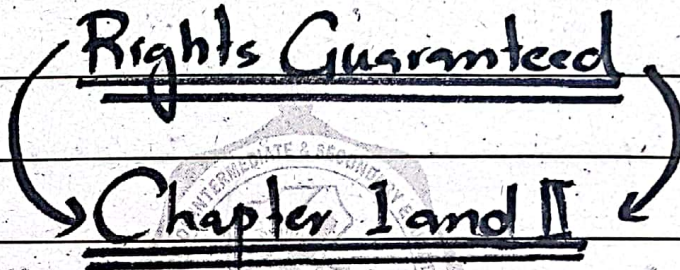
Moreover, rights are also guaranteed. In fact, transgenders were deprived of inheritance and property rights as well.

"Certain equal rights."



right to inherit, property,
education, public offices,
parliament, bureaucrats,
medical officer, were
well secured!!

(Chapter I and II of
Transgender Act, 2019)



c) Enforcement Mechanism: Response
of transgenders.
Furthermore, transgenders



have also right to make certain protection of their rights. In fact, according to law

"Transgender can complain of insecurity of their rights."

(Transgender Act 2018)

Therefore, enforcement mechanism is on response of transgender.

5. Criticism on Transgender Act 2018

Following is criticism:

a) legalize homosexuality: Self perceived identity

Legalize homosexuality is an outcome of transgender act. In Pakistan, homosexuality

is a crime. According to section 3 of law;

"Transgender have right"



to self perceive
identity.

(Section: 3)

As per report of NADRA,

"About 28,722 people
registered for identity
change."

(NADR Report, 2022)

Further, identity change was
beneficial to other people rather
than intersex people.

Current identity	Self-perceive	Number
Male	Female	16,154
Female	Male	12,150
Male	intersex	12
Female	intersex	12
Intersex	male	9

(NADRA Report, 2022)

Therefore, legalize homo sexuality as
consent in society.



b) Social Preference versus self preference

"There is no self preference, but social preference."

(Taqi Hasan)

Moreover, self preference is not supported in society. In fact, social preference has importance.

"Change of identity will impact on life."

(Fazil Bari)

Hence, self preference is not fit in society.

c) UnIslamic view: against Islamic laws

"The most shameful sin is homosexuality."

(Al-Araf: 80-84)



Homosexuality is also sin in Islam. Pakistan is an Islamic state and laws will be followed by Islamic rules.

According to articles 2, 2a, 31, 35, 271, and 273

"All laws will be in accordance with teachings of Islam."

Therefore, homosexuality is also sin in Islam.

d) Unconstitutional approach to homosexuality

"Marriages of homosexuals are prohibited."

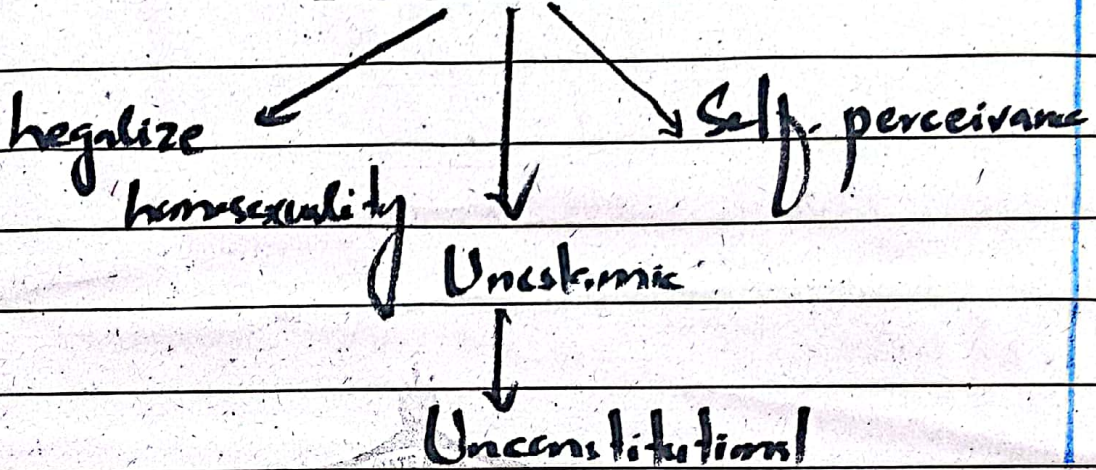
(- PPC-1860, chapter III)

Homosexuality is also against constitution of Pakistan. In fact, according to constitution, homosexuality is prohibited.



Hence, homosexuality is unconstitutional approach.

Criticism on Act



6 Conclusion

"Image of intersex people is better in Pakistan."

(Faisal Bari)

Rights are guaranteed under transgender act of 2018. In fact, this act supported and secured rights of transgenders. But, certain criticisms are also done evidently. Therefore, transgender act is a rights guaranteed of transgenders.