



Transgender Fight for Civil and Fundamental Rights in Pakistan, Current Status of Transgender in The Light of Transgender Persons (Protection of Rights) Act, 2018 and Transgender Persons Welfare Policy 2018

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Abstract

Discussion on transgender rights has gradually increased across the world as many countries have carried out legislation in favor of transgender but Pakistan was lagging behind in this democratic process until 2018. Current study prominences on the history of transgender in south Asia (Mughal court then British era); legislative and policy developments especially in Pakistan. The study used existing literature review to know the socio-legal protection, which has been given to transgender in past and legal developments for the safeguard of transgender in Pakistan. This study establish that legal protection to transgender is given in recent years; Pakistan is still in the formative phase to give right to downtrodden communities like transgender in this post-democratic world. Pakistan has few laws for the protection of marginalized communities but there is a lot more to be done in this regard.

Keywords: Transgender, Socio-Legal Status, Pakistan, Rights, legal developments, Historical Research

1. Introduction

Biological growth of human body is called as sex where as social, cultural and psychological component of personality is called as gender. Social, cultural and psychological properties of gender are different than that of biological. Looking deviant and alien to other because actions are against normative ideas of gender and sex (Ghafoor Chaudhry, Ellahi Khan, Ahmed, & Khan, 2014). Now one with certainty can articulate when the phenomena of transgender emerged. We can trace the existence through cultural evidence. Historically transgender can be seen in Greek and Roman times (Masnun, 2011). Probing the exact traces of transgender is every complicated; hardly any material can encompasses the entire origin.

1.1. Transgender in British Era and Mughal Period

Khawaja Sara/Hijras was considered the honest and trusted people in Mughal era. Eunuchs were used for security purpose along with singing and dancing in Mughal court. In Mughal era three-gender male, female and third gender (Khawaja Sara/Hijras) were performing responsibilities in social, political and military sector. After the assault of British in subcontinent whole social, cultural and political atmosphere altered. British classified the gender into two boxes male and female. Khawaja Sara who relished the high ranking in Mughal and past years now felt out casted. In the realm of high uncertainty an unethical act Criminal Tribes Act (CTA) in 1871 was introduced by British, which relegated the third gender to marginality. This act also controlled the socio-cultural structure of trans communities which ultimately restricted the activities of this community (Rana, 2011) Numerous legislations were passed by British, which affected the special status of Hijras/trans genders one of them was THE BOMBAY RENT-FREE ESTATES ACT, 1852, ACT NO. XI OF 1852, which drew the guidelines and regulations, related the Inam (Gift) of land property in the locality of Bombay. Rule 2 of schedule B stated who can hold the Inam (Gift), this act explains “And provided that there be nothing in the conditions of the tenure which cannot be observed without a breach of the laws of the land, or the rules of public decency”. This rule was passed especially for the third gender community which deprived them from holding the land and the receiving the Wazifa (stipend)⁴ from the king court/government. This act also deprived them to take alms and charity from the people. These all legislations eventually expelled the transgender communities from conventional social structure. In postcolonial state like Pakistan and India these communities are still living a wretched life which led them to do forced sex and other illegitimate activities (Floor, 1998; Nataraj, 2017)

In 1871, Hijra was criminalized by an act called Criminal Tribes Act (1871). Extinction of Hijra community was evident but due to strong Chela-Guru (student teacher) kinship system, they survived. Dancing on weeding and giving blessing on childbirth were the source of earning. With the passage of time, transgender became beggars and sex workers. Hijra/Khawaja Sera face hostility especially from middle and high class and are accepted in lower/poor class. Over the course of time and increasing social media awareness about third gender many countries has documented third status as legal. (Floor, 1998; Mokhtar, 2021)

In recent era globe has evolved with many terminologies like she male, LGBTQ, non-binary, genderqueer, cisgender, bigender, pansexual and asexual, which explain the third gender. Our globe speak roughly 6,809 languages (Anderson, 2010) every language has its own term/explanation for third gender. In Pakistan locally transgender are entitled with the names of Khawaja Sara, Khusra and Zenana. Other than, this third gender is

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⁴ Wazifa (stipend) was a state stipend given to deserving individuals or institutions.

present in every corner of the globe and recognized with different indigenous name a few are stated under below.

1.2. Diverse terms for transgender used globally

- **Acaults:** this phrase allotted in Myanmar for those who were ascribed the sex of man/male at birth but plays the role of female afterward.
- **Bakla:** in Philippines for transgender Bakla term is used Bakla is assigned male sex at birth but dress and paly social roles of women.
- **Calalai/Calabai/Bissu:** Gender classification is very diverse in Indonesia. Transgender are titled with three different names Calalai, Calabai and Bissu.
 - Those women who resemble with men are called Calalai.
 - Those men who resembles with women are called Calabai.
 - Bissu a neutral gender, it is believed that personality of this gender is mixture of man and god.
- **Fa'afafine:** in Samoans island transgender are well known with the name of Fa'afafine. Fa'afafine is biologically men but like to show their persona as women.
- **Hamjengara:** label is generally used in Iran for transgender. The men who feel attraction for same sex.
- **khanith:** Traditionally this derogatory term is used in Oman for a person who was assigned the male sex at birth but has a female physical appearance.
- **Kathoey:** In Thailand transgender are known with the name of Kathoey. Those who are men but like to wear women clothing. Kathoey are socially recognized among masses but are not legally protected by government. Kathoey is also known with the other name of "Ladyboy".
- **Khawaja Sara:** In Pakistan transgender are known with the name of Khawaja Sara and sometimes spoken as Khusra locally.
- **Kinner/ Aravani/ Zennan:** in India; transgender widely known with the name of kinner, aravani and zenana.
- **Metis:** in Nepal commonly used for those who were at birth has masculine identity that got female expression.
- **Mashoga:** used for transgender in Kenya individual who got manly sex at birth but change afterwards.
- **Muxe:** in Mexico transgender called with the title of Muxe, those individual/men who wear dress like women.
- **Ponnaya:** other name for transgender it denotes intersex, impotent and mostly used in derogatory sense in Sri-Lanka.
- **Skesana:** In Zimbabwe and Southern Africa, word is used for transgender.
- **Travesty:** a Spanish term usually spoken for transgender in Peru, South America Argentina and Brazil.
- **X-Jenda:** this term is used in Japan for those whose sex identity is out of male and female.

1.3. Transgender Situation Pakistan

Pakistan is a diverse country and have has transgender. 1947 was the year when Pakistan came on the face of earth. Government of that era managed the migrated people on the new land (Pakistan). Awkwardly I have not found any clear evidence from where I can acquire the information that how Liaqat Ali Kahn's government tackled the transgender after independence.

Governments came and gone, game of political thrones became heated and sometimes very dim but no voice in favor of transgender came in front until the era of Gen.Pervaiz Musharraf. During the regime of Pervaiz Musharraf 1999 to 2008 liberalization (Qadri, Gilani, & Khurram, 2018) came in Pakistan. It affected the all segments of society positively including the mass media. This liberalization allowed the private television channels to operate in Pakistan with a very few censor. A talk show was on aired by a private TV channel in 2005, which was hosted by a transgender named as Begum Nawazish Ali. This talk show became very well-known and was the first of its kind in South Asia especially in Pakistan.

Voice for legal rights for transgender became fierce in 2009 when a case of viciousness was reported where police torched transgender. This issue became highlighted and Supreme Court took initiative and passed decree in favor of transgender, which became to foundation for further legislation.

2. Literature Review

Now a days many terminologies are used to identify gender and human sexuality like; LGBTQ, non-binary, genderqueer, cisgender, bigender, pansexual and asexual etc. (Association, 2015).

Believing in binary gender model is the based, upon which transgender oppression depends. awareness and knowledge about startling transgender issues questions the idea of heteronormativity (concept that heterosexuality is natural, heterosexuality is ideal) and simultaneously opening up the way for the acknowledgment of gender identities (Siverskog, 2014).

Presence of transgender can be seen in all countries of the world. Bissu an androgynous entity is found in the Indonesia, a very old example of pluralism is found in Indonesia. Gender is not limited to the three genders

male, female and transgender. Infact five different genders can be seen, three more than male and female. Calabai, is person having male body but dress like a female and also performs female roles in society. Still can be seen in Indonesia's society. Calalai presence is very rare. Person having female body living with female partner and performing the male roles (Wieringa, 2010).

Bissu is considered a source of some supernatural power whose gender is unknown; people believe that no one in this world know about the actual gender of God. If God is boy or girl. Some researchers believe that Bissu are the guardian of sacred royal ornaments. Therefore, to be possessed by god, it is necessary to be half boy and half girl. The Bissu is considered as the "hermaphroditic partner of the ornament" genitals of Bissu is ambiguous, menstruation and erection are taboos for Bissu (Untara & Rahayu, 2020).

Kathoey is a term used in Thailand, concept that is equal to the western concept of transgender. Myth was widely accepted that Kathoey is the manifestation of bad deeds (bad karma). Years later this concept was challenged by king Mongkut's by explaining the Buddhist ethos using the science and scientific terms (Coleman, Allen, & Ford, 2018)

Both in Islamic and Hindu culture third gender is known by many distinctive names like hijra, khwaja seras, khusras, zenanas, kinnars, jhankas and khusas and many more among different ethnic groups (Chiang, Henry, & Leung, 2018).

Prejudice for transgender is widely known by all, many prevailing reason are behind this; among one of those is religious teaching. Researches shows that transgender face derogatory sentences and humiliation in society (Campbell, Hinton, & Anderson, 2019; Saeed, Mughal, & Farooq, 2018)

Previous statement is not fully true because many Sufi *dargahs*⁵ in subcontinent warmly welcome all genders including transgender. Ajmer Sharif Dargah located in India is inclusive there is no any distinction of sex, gender or race. In 2020 around three thousand Hijras attended the annual segregation "*Urs*⁶" which is considered a massive Hijra gathering on the shrine of Khawaja Mu'in al-Din Chishti (Kuehn, 2021)

In south Asia term, Hijra denotes a person having structure of both male and female body. India recognized transgender as a 3rd gender in 2014 but long ago for British these were a small community for dancing and giving blessing for fertility. British thought them as deviant. (Hinchy, 2019)

Transgender people in Pakistan differentiate themselves from Hijra by naming them as Khawaja sera (title taken from Persian language). Name Hijra got bad historical reputation whereas khwaja sera had been the protectors of Harim in Mughal court. Further, historical materials support the power of Khawaja Sera of Habshi dynasty 1487 that were able to subdue the sultanate throne. (Ahmad, 2022)

Transgender played a vital role in social as well as in political system in subcontinent. Status of transgender communities⁷ was different from male and female in political and social system. chief of *Khawaja Sara* had the permission to enter the *Darbar* of the king and his male nobles, had also the access of female queen and royal ladies use to live (Chatterjee, 2013)

3. Methodology

This research paper was written using the online library authentic material. In this case, the author consulted the online library sources such as Google Scholar, Elsevier, JSTOR, SAGE Journals, national and international newspapers, students research papers, governmental reports and publications related to the transgender topic. Author probed the newspapers, articles and transgender related documents using the Hermeneutics approach to understand the socio-legal status of transgender. Author also used the ethnographic approach to understand the cultural Behaviour regarding third gender. Purpose of this article was to know the remote and past events, which became the foundation of transgender protection laws. Therefore historical research was used to examine the current situation of transgender in Pakistan.

4.1. Development of Legal Rights of Transgender In South Asia

South Asia is a geographical terms which is used to determine the countries, which are present in the South of Asia. The countries include Afghanistan, Bangladesh, Bhutan, India, Nepal, Pakistan and Sri-Lanka. Picture below clarifies the location of countries present in South Asia.

Transgender rights were secured in Pakistan by the verdict of supreme court of Pakistan in 2009 (Redding, 2019) which boosted the NGOs to support and rehabilitate this section of society in field of education, health, mass media etc. Similar developments are seen in other countries of South Asia (Afghanistan, Bangladesh, Bhutan, India, Nepal, Pakistan, and Sri-Lanka). India allowed transgender to register themselves for nation identity card (Aadhaar) in 2005, (Fazi & Bibi, 2021) further steps by Indian government was to grant vote right and added the third category of transgender in 2009, (Mehfooz, 2016) in 2011 transgender were included in the census by Indian government. (Raj & Juned, 2022). In the case of Nepal she added transgender category in December 2007 (Bochenek & Knight, 2012) at country level and incorporated third gender community in

⁵ Shrine or tomb built over the grave of a revered religious figure.

⁶ Is the death anniversary of a Sufi saint, usually held at the saint's Dargah.

⁷ Eunuch, Hijra (hijdās), khwaja sera, khusra, zenana (Janana), jhankas and khusas

population census in 2011 (Chhetri, 2017). Right to list the vote in Bangladesh to transgender was allowed in 2008 (Jebin & Farhana, 2015).

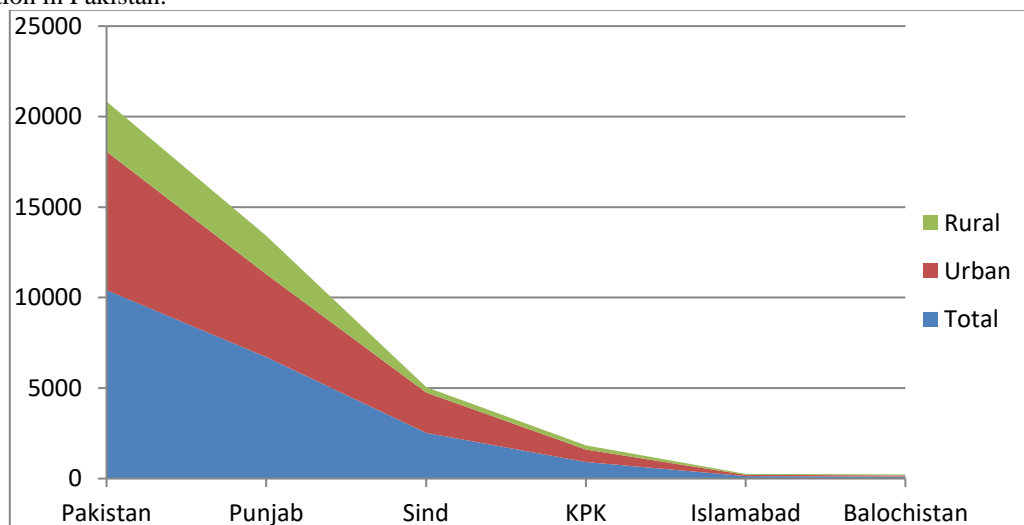
Bhutan faced many challenges to give the rights to LGBT community in February 2021 same sex sexual activity was legalized and equal age of consent was given. (Chuki, 2019) . In case of Afghanistan situation is very verse no rights have been given to transgender. To deal with third gender community Sri Lanka government decided to give Gender Recognition Certificates to transgender in 2016 (Wijayath, 2021) this was the first step towards the recognition of transgender.



Map of South Asia (Geospatial, 2011)

4.2. Transgender Population in Pakistan

First time in the history of Pakistan third gender option was introduced in population census previously, it was not available in census for transgender. This step yielded positive fruits and transgender population was officially counted. Charity Trans Action Pakistan: a group working for transgender rights, claims that there are more than 0.5 million (500,000) transgender in Pakistan. Therefore, figures of transgender population in 2017 census are controversial until now. Graph drawn below shows the geographical classification of transgender population in Pakistan.



According to the sixth population census which was carried out in Pakistan in 2017 estimated population of transgender was approximately 10418. Major chunk of transgender population lives in Punjab, which is 6709.

Sindh houses second largest population with 2527. Third is Khyber Pakhtunkhwa, which registers with 913. Baluchistan with 109 transgender on fourth number. Federally Administered Tribal Areas holds only 27 Transgenders and in Islamabad 133. (Punjab, 2018)

4.3. Transgender Activism in Pakistan

Status quo regarding Khawaja sira was challenged around 2005 when civil society tried to mobilize this community. Further many societal circumstances helped to uplift the community(transgender) first, economic liberalization; (Azhar, Khalil, & Ahmed, 2007) started in 1990s in the era of prime minister Nawaz Sharif which aimed to include all communities to participate in country's economy. Second, to avoid the spread of HIV/AIDS (Haque et al., 2004)and other sexually transmitted diseases sexual health related programs were initiated with the help of civil society which indirectly also paved the way for transgender activism in Pakistan. Third, legal support came by the ruling of Supreme Court of Pakistan in for transgender. (Redding, 2019)

4.4. Joyland Movie an Overview; Pakistani Society Reaction

Keeping in mind the religious norms and societal values officially Oscar nominated movie "Joyland" first banned by federal government of Pakistan whose main role was played by a transgender name Biba. Only because it is still a taboo in Pakistani society to talk about the hardships and challenges faced by transgender community during their whole life. It is true some part of the film and story was on up to the ethical standards but as a whole it conveys deep message like showing patriarchal family system; situation of depression and tension when anyone is unemployed etc. . The beauty of this movie is, it forces the viewer to think how many Bibas (lead character of movie) died thriving for livelihood, faced social negative slogans and many other so that we can continue to live with our contradictions and double standards. After facing stern criticism international federal as well as provincial censor board approved this movie for screenplay.

4.5. Equality for All Citizens Under the Constitution of Pakistan

Constitution of Pakistan guarantees fundamental rights to every citizen of Pakistan. In case of transgender, the masses and the governmental institutions seriously violated some of the basic rights. Some fundamental rights like right to vote, right to education and safeguard against prejudice were also violated if we talk about transgender. Article 9, 14, 23, 25 and 27 are some of those articles, which were clearly violated before the enactment of Transgender Persons (Protection of Rights) Act, 2018.

Article 9: guarantees Security of person and explains, "No person shall be deprived of life or liberty in accordance with law". (The Constitution of Pakistan, 1973)

Article 14: secures the dignity of man, this article explain that "The dignity of man and, subject to law, the privacy of home, shall be inviolable." (The Constitution of Pakistan, 1973)

Article 23: gives the right to have property it further explains "Every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest." (The Constitution of Pakistan, 1973)

Article 25: states that all citizens are equal. (The Constitution of Pakistan, 1973)

Article 27: Safeguard against discrimination in services, it further clarifies "No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth" (The Constitution of Pakistan, 1973)

With the passage of time, awareness was created among marginalized communities of Pakistan. They stood for their rights with the support of civil society and international humanitarian organizations. Process for legal protection started in Pakistan; federal as well as provincial governments took sustainable steps for the protection of third gender.

4.6. Time line of Transgender's legal rights in Pakistan

In 2009, Voice in favor of transgender right became stern when a case of violence from police on a group of khawaja sira was reported in Taxila a city of Rawalpindi district. To protect the civil and legal rights of every citizen of Pakistan Supreme Court of Pakistan passed a verdict and directed respective province to take adequate steps for the security of marginalized communities.

Same verdict of Supreme Court of Pakistan paved the way for the registration of transgender in National Database and Registration Authority (NADRA). It also directed the Federal Government to legislate for the safety of Khawaja Sira/transgender.

In 2017, Senator Babar Awan presented the presented the Transgender Persons (Protection of Rights) Bill in parliament. United Nations development program (UNDP), Council for Islamic Ideology (CII), non-governmental organization (NGOs) working for gender and sexuality, civil society and many other came together. Eventually in May 2018, Pakistan: Transgender Persons (Protection of Rights) Act, 2018 was enacted.

4.7. Definition of Intersex, Eunuch and Transgender in "Transgender Persons Act, 2018"

Transgender Persons (Protection of Rights) Act, defined "transgender person" as a person who is

- (i) intersex (Khawaja Sara) might be the mixture of girl and boy genital characteristics or inborn ambivalence: or
- (ii) eunuch first given male at birth, but goes through genitalia extirpation or surgical removal of private parts:

4.8. Rights Protected Under the Pakistan: Transgender Persons (Protection of Rights) Act, 2018

- i. Now Khawaja Sara, intersex, third gender or khusra can get driver license and passport.
- ii. Protection against harassment at public place and home.
- iii. Transgender can get education like normal people; can be employed; can do trade; can use public transport and can buy sell or rent a property.
- iv. Formation of safe houses for Khawaja Sara, psychological rehabilitation centers; provision of educational and medical facilities.
- v. In case of legal punishment separate room will be allotted for transgender.
- vi. Transgender can inherit property.
- vii. Employment opportunities for transgender concrete steps would be taken
- viii. Transgender can cast vote in all assemblies of Pakistan and shall not be discriminated
 - a. in access of public offices.
- ix. 9. Forcing transgender to bet will be punished for 6-month prison and RS: 50K fine.

4.9. Formulation of the Transgender Persons Welfare Policy 2018

Significance to formulate transgender welfare policy came across when chief justice Saqib Nisar was hearing a Human Right Case (Case No. 32005-P/2018) concerning to an issue related to the CNIC for transgender. During the hearing chief justice directed to formulate a welfare policy for transgenders. Result came in August 2018 when the Punjab Social Protection Authority (PSPA), Pakistan published the Transgender Persons Welfare Policy.

4.10. Key Elements of Transgender Person Welfare Policy 2018

This section precisely explain the initiatives and programs carried out under the transgender welfare policy 2018. This policy focus on education, health, identification, old age pension, employment etc., of transgender.

4.11. Social Provisions

For the protection of marginalized communities, especially transgender following provisions were included in the social welfare policy.

4.11.1. Rights of Transgender Persons

After the approval to welfare policy for transgender it was accepted unanimously that right are equally guaranteed for every citizen no matter who they are or how they look like. They (transgender) can enjoy the all fundamental right guaranteed by 1973 constitution.

4.11.2. Registration

This policy aimed to eliminate the all types of hurdles in the registration of transgender in National Database & Registration Authority (NADRA), Social Welfare Department and provincial monitoring committees directed to engaged and mobilize the transgender communities for the free registration of national identity cards.

4.12. Social and Public Services

Enhance the living standard of transgender, this policy argues for the provision of all social services. Following measures should be undertaken in this regard.

4.12.1. Housing

Shelters for transgender will be constructed in every district for homeless so that they may live with dignity. To increase the living standard low cost housing society will be builder by Housing Department in coming years.

4.12.2. Education

Opportunities for transgender in education are very low. For the provision of quality of education. Transgender vocational institutes and educational schools will be established which will provide free education and skills. Transgender teacher would be hired and trained for the schooling of transgenes students. At the first level through public private partnership Non-formal Basic Education, school will be established under the literacy department for improvement of transgender lives. Scholarships will also be provided and seats will be reserved for transgender in higher educational institutions.

4.12.3. Health Services

Culture of Pakistani society do not accept transgender to eradicate discrimination in provision of curative services some of the intervention will be made under the policy free medical treatment and free medicines will be provided to transgender in governmental heal centers. Sex reassignment, hormone therapy and all legal treatment will be made available. To change the speaking accent and line up speaking with society speech therapist will be haired who will provide their services in transgender schools.

To enhance the confidence level Psychological help will be provided; awareness campaigns to increase the information about HIV/AIDS; separate wards for transgender people at DHQ Hospitals for the treatment of transgender.

4.12.4. Emergency/Support Centers

Emergency centers will be established for immediate redressed of transgender problems. Social Welfare Departments (SWD) will establish centers' for the counseling of transgender families. SWD will arrange services for victims of violence and for drug abusers.

4.12.5. General Public Services

All public services will be provided to the transgender like Character certificate, telecom services, banking services, birth/death certificate, domicile certificate, property related services (including fard-e-malkiyat), vehicle registration, driving license, passport, legal services (including stamp paper, etc.) assets purchase, and taxation and funeral of transgender persons by municipal committee.

4.12.6. Awareness Campaign

Awareness campaign will be arranged for the change of mindset of society regarding transgender.

- In educational syllabus, topics will be included for all genders to increase awareness.
- Training will be conducted for all personnel's who are working in law enforcement agencies, educational institutions and health facilities to improve treatment for transgender.
- Help from print and electronic media will be taken for awareness.
- Awareness meetings to highlight the rights of transgender will be conducted with the Gurus of transgender people.

4.13. Social Security

Social security means preventive measures for the social protection. Initiatives will be taken to provide social security under the social welfare policy:

- Measures will be taken to provide pension to transgender who are unable to work due to injury, illness etc.
- Depending on the availability of resources such programs will be introduced in Pakistan through which unemployment insurance will be given to those documented transgender who have been working on paid basis in past and are now finding for work.
- Transgender will be made eligible for those programs which are providing health related facilities so that they can meet their health related problems free.
- Provincial Workers Welfare Boards will arrange the funeral/death and disability grants for occasional support to transgender grants.

4.13.1. Livelihood Support

To promote livelihood for transgender access to job and economic opportunities will be increased. Transgender Persons (Protection of Rights) Act, 2018 also direct the government to promote livelihood opportunity for transgender.

- Efforts will be made to increase the skills in transgender. Driving, cooking, makeup and grooming training will be provided to increase livelihood for transgender.

4.13.2. Welfare Assistance

- A scheme of cash transfer will be initiated for transgender, which will transfer cash to those who are holding CNIC of transgender, or other category like third gender, other etc. grant of two thousand to three thousand can be provided through ATM cards. Partnership will be done with private organization such as Akhuwat.
- Cash will be transferred in lieu of welfare assistance to transgender who have different disabilities. Federal and all provinces will formulate line of action for the provision of cash.
- Inclusion of transgender will be made compulsory in Waseela-e-Taleem, a program that is run of Benazir Income Support Programme. Transgender will also be included in Zevar-e-Taleem Program (Cash Transfers Program) for the enrollment, registration and retention.

4.14. Support from Relevant Organization

- Government run programs and organization like BISP and Zakat, Ushr and Bait-ul-Maal Departments will provide cash transfer according to the needs of transgender.
- Private organizations like Akhuwat will include transgender in its Guzara Allowance Program.
- Needy transgender will also be included in Zakat department.
- Traveling cards will be issued to poor transgender by traveling department to reduce the fair cost.

5. Current Status of Transgender in Pakistan

Situation changed rapidly in Pakistan after the formulation of social welfare policy and the enactment of 2018 transgender act.

5.1. Educational Status of Transgender in Pakistan

Transgender persons act 2018 safeguards transgender against discrimination in acquiring education. Further it directs the government to take necessary actions for the education of transgender which also has been guaranteed under article 25 of constitution of Pakistan 1973. After the enactment of this act, steps were taken by government to enhance the education level of transgender.

- On October 2017 a popular distance learning university, Allama Iqbal Open University (AIOU) announced a program through which transgender will be able to get free education. AIOU became the first university to offer free education to transgender in Pakistan.

- On February 2019, a transgender school was inaugurated in Lodhran district by the government run literacy department.
- On July 2021, first government run Transgender School was inaugurated in Multan to enhance Trans education. These schools provide education to higher secondary along with three skills, cooking and beauty make-up, sewing and stitching.
- On March 2022, a school has been opened in a portion of the Government Girls High School for the transgender community in Bahawalpur.
- On August 2022 with the help of School Education Department and Japan International Cooperation Agency (JICA), evening school was launched in Dera Ghazi Khan for transe-ducation.
- On December 2022, Education Department of Punjab inaugurated Transgender School in Garden town Lahore and 36 transgender students were enrolled.

Different uniform has been designed for transgender and are being provided free of cost along with shoes, stationery and books. Pick and drop facility has also been provided for the ease of transgender in most of the schools. For the quality of education with the help of JICA three days' workshop June 30-July 2, 2021 was arranged for teacher who are teaching in transgender schools.

5.2. Educational Policy for Transgender

Sindh province took a very positive initiative and announces the first educational policy for transgender on April 2022. Transgender will be included in Alternative Learning Pathway (ALP) program for the uplift of educational status in Sindh.

5.3. Transgender and Ministry of Human Rights

a report "Brief Review of Implementation of Action Plan for Human Rights" published by ministry of human rights government of Pakistan on April, 2020 clearly stated the Transgender protection act 2018 to halt the harassment cases against transgender. protection and uplift the marginalized community like transgender was assured ("Ministry of Human Rights, Government of Pakistan,," 2020)

5.4. Masawaat Program

Punjab Social Protection Authority announced a programme "Masawaat" under the "Transgender Person's Welfare Policy". Under this programs transgender under the age of 40 years can get 2000 per month and those who are above the age of 40 years can get 3000 thousand. Transgender can withdraw this amount form HBL Konnect Agent.

Masawaat programme initiated with the following objectives

- Mainstreaming the transgender by providing education, livelihood, and health and housing services.
- To safeguard transgender from discrimination and providing enough standard of living.
- To increase the access for transgender to income generating activities.
- To provide interest free loans for businesses for transgender up to Rs.100,000/-. With help of Punjab Small Industries Corporation. (Punjab Social Protection Authority)

5.5. Protection Centre for transgender

After the implementation of "Transgender Persons (Protection of Rights) Act, 2018" and formulation of "Transgender Persons welfare Policy 2018" positive results are coming day by day. On February 2023, Punjab Police established a "Protection Centre" for thirdgender. A memorandum of understanding was signed between police and Akhhuat foundation, both police department and Akhhuat foundation will cooperate for the redressed of complaints.

6. Conclusion

Pakistan is a developing nation where nation's consciousness of civil and fundamental right among masses is very little. Many endeavors have been carried out to guarantee the constitutional and fundamental right to public but transgender remained always excluded until 2018 when Supreme Court spoke about the rights of transgender. This move was not taken suddenly many social circumstances paved and flattened the way for the rights of this community. Frist world countries have been giving the rights to balance the all communities. Information travel across the countries, which socialize the populace therefore transgender, socialized to. Mass media an agent of socialization assisted the transgender to get awareness about their fundamental rights. Many religious groups remained divergent and stood against the rights of transgender.

Many times Discussions at governmental level started concerning the rights of transgender but these were not firm. Therefore, it never yielded any result and 2018 was the golden time for transgender, when an act "Transgender Persons (Protection of Rights) Act, 2018" was passed and transgender got official protection. This law protects them from harassment cases and provides security. This law became the based for the development of social welfare policy for transgender in 2018. After the endorsement of transgender welfare policy, many rights like education, identification, registration, health and housing were secured. Assistance and livelihood programs were stated for support of transgender.

If we explore the history from Magna Carta (1215) to till now, rights have never been served in the plate to anyone. Marginalized communities have to snatch them for the ruling/governing class. Some stanchd these

rights long before from the ruling class but in Pakistan transgender efforts became fertile in 2018. Wheel of Progress always go ahead, now it is expected that authorities/governments will take steps that are more positive for the better future of transgender in Pakistan.

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