

**SOCIAL IMPLICATIONS OF TRANSGENDER PERSONS
(PROTECTION OF RIGHTS) ACT, 2018**



By

MUHAMMAD SHARIF

MPhil. Sociology

School of Sociology,

Quaid-i-Azam University, Islamabad Pakistan

2023

**SOCIAL IMPLICATIONS OF TRANSGENDER PERSONS
(PROTECTION OF RIGHTS) ACT, 2018**



A thesis submitted to the School of Sociology, Quaid-i-Azam University,
Islamabad, for the partial fulfilment of the degree of Master of
Philosophy in Sociology.

Muhammad Sharif

MPhil. Sociology

School of Sociology,

Quaid-i-Azam University, Islamabad Pakistan

2023

Acknowledgment

I sincerely acknowledge the contribution of my Parents and Siblings throughout my educational career, for, without their continuous support, my educational career would have remained a pipe dream. Their continuous emotional, social and financial support throughout my educational career remains a significant factor. Life, of course, would be empty without some people who hold a significant position in my life. I would first wish to express my humble gratitude to my respectable supervisor **Dr. Farhan Ahmed Faiz**, who accepted me to work under his supervision and spared his valuable time to provide constructive comments and feedback. This great accomplishment would be impossible without his guidance and teachings. This charismatic figure deserves a bundle of thanks. I pay my humble gratitude to my teachers, **Dr. Imran Sabir, Dr. Hazir Ullah, Dr Sadia Saeed, Dr. Muhammad Zaman, and Dr Sarfraz Khan** and employees of Sociology department who support me, help me and make me able to complete this journey. I am also thankful to all my friends especially Siraj Hussian, Sami ullah Kakar and Hamza khan, and colleges and classmates who provide me with academic, social, emotional support and loving me as no one else could. Lastly, I am highly indebted to the faculty of Department of Sociology, Quaid-i-Azam University Islamabad, for they played an unbeatable role in supervising, cooperating and instructing to mold me in a man which I do not deserve. Bundle of Thanks to all of you

MUHAMMAD SHARIF

Abstract

The present study was aimed to explore the social implications of the transgender persons (protection of rights) Act 2018 in Pakistan. The data were collected from Senators, Members of the National Assembly, Social Activists, the Transgender Community, Religious scholars, and lawyers. A qualitative research design was used in this study. Eighth in-depth interviews and one Focus group discussion was conducted in the city of Islamabad. For this purpose, purposive sampling was utilized while collecting data. Gender order theory, and inter-sectionality theory were used to comprehend the research problem using theoretical propositions. Assumptions and concepts of Queer theory were also engaged. According to data from this study, this act has various social implications, from providing gender identity to transgender persons and ensuring health facilities to job and education quotas for the transgender community. Most importantly, this act gives the gender identity and ensures the fundamental rights of transgender persons. At the same time, this act creates a space of acceptance and social inclusion in society for transgender persons. However, religious and rightest groups and scholars are worried and have reservations about this act, its sections, and its social implications. This act is still controversial due to the reservations of religious groups, including the Council of Islamic ideology and the federal Sharia Court, about some sections of this act. They said this act would promote homosexuality or un-Islamic and unethical activities in society. This study highlights the social implications of this act, its loopholes, challenges, its inevitability, and its complexity for this country's law-making bodies and policymakers.

Table of Contents

Acknowledgment	ii
Abstract	iii
Chapter No. 1 Introduction	1
1.1 Gender identity	3
1.2 Transgender	4
1.3 Islamic Religious Instructions and Transgender Identity	6
1.4‘Transgender persons (Protection of Rights) Act, 2018’	8
1.5 Socio-political implications	8
1.6 Cultural and Religious Implications	11
1.7 Controversies and Complexities in Transgender (Person protection of rights) Act, 2018	12
1.8 Statement of the Statement	14
1.9 Research Objectives.....	14
1.10 Research Question	15
1.11 Significance of the Study.....	15
Chapter No.2 Literature Review.....	17
2.2. Transgender as a Third Gender Identity	22
2.3. Historical Background.....	24
2.4. Law of gender, Legal Framework, and Gender Identity in Pakistan.....	28
2.5. Legal and Policy Responses	29
2.6. Social Implication of the Act.....	31
2.7. Challenges and Criticism.....	33
Chapter No. 3 Theoretical framework	36
3.1. Queer theory	37
3.2. Gender Order Theory.....	38
3.3. Intersectionality theory	40
3.4. Social Identity Theory	43

3.5. Application of theories	45
3.6. The Key Theoretical Variables of Implication of the Act	51
Chapter No. 4 Conceptualization and Operationalization	53
4.1. Conceptualization	54
4.1.2. Social Implications.....	54
4.1.3. Transgender Persons	56
4.1.4. Transgender Persons (Protection of Rights) Act of 2018	58
4.2. Operationalization.....	59
4.2.1. Social Implications.....	59
4.2.2. Public Perception	60
4.2.3. Impact on Marginalized Communities.....	60
4.2.4. Socio-Political and Economic Context	60
4.2.5. Legal and Policy Analysis.....	61
4.2.6. Transgender Persons	61
4.2.7. Transgender Persons (Protection of Rights) Act of 2018	62
Chapter No.5 Research Methodology.....	65
5.1. Nature of Research	66
5.2. Universe.....	66
5.3. Unit of Analysis	67
5.4. Sampling design.....	67
5.5. Sample size	68
5.6. Data Collection	69
5.7. Data Analysis.....	69
5.8. Ethical Considerations	70
5.9 Field Experience.....	70
5.10. Limitations.....	71
Chapter No. 6 Result and Findings.....	73
6.1. Demographic Analysis.....	74
6.2. Profile detail.....	74
6.3. Profession, Gender and Age:	75

6.4. Focus group discussion members	75
6.5. Thematic Analysis	76
6.5.1. Legal and Policy Impact	76
6.5.3. Social Implications.....	82
6.5.4. Healthcare and Services	84
6.5.5. Cultural Attitudes and Beliefs.....	86
6.5.6. Family Support and Dynamics.....	89
6.5.7. Religious Perspectives	91
6.5.8. Identity-related Documents.....	93
6.5.9. Legal Framework for Addressing Violence and Discrimination:	96
6.5.10. Government obligation and responsibility	98
6.5.11. Balancing Rights and Religious or Cultural Values:	100
6.5.12. Challenges in Implementation:	102
6.5.13. Future of Transgender Person Rights in Pakistan:	105
7.2. Discussion and Conclusion.....	113
7.3. Recommendation	114
BIBLIOGRAPHY	118
ANNEXURE.....
136	

Chapter No. 1

Introduction

The term 'transgender' carries no fixed meaning. The term is interpreted differently depending on the context because no established definition exists. The correct definition of the term is transgender. According to the term's original meaning, it only refers to individuals living in a gender different from the one given at birth and does not seek sex reassignment surgery. In other words, transgender people have a sexual orientation or gender expression and behaviour that differs from those culturally linked with the sex to which they were born (Zia 2015). Before and after the mid-20th century, different terms were used within and outside of European medical and psychiatric sciences to designate people and gender expressions labelled as transsexual and later transgender. Although transsexual has acquired international recognition in English, J. Olive's 1965 term transgender is still preferred. In the December 1969 issue of *Transvestic*, the national periodical she founded for cross-dressers, Virginia Prince and other transgender, transsexual, and transvestite individuals popularized the term "transgender" with various definitions (Feinberg 1996). By the middle of the 1970s, transgender and trans persons were used as catch-all terms, whereas trans genders and transgender were used to describe people who desired to live cross-gender without having (Sex Reassignment Surgery). As early as 1976, transgenderists were referred to as TG in the educational curriculum (Bolich 2007). Pakistan has considerable social and political ambiguity regarding identifying and accepting. In 2009–2010, the Supreme Court of Pakistan ruled that transgender people, known as

hijras in the region, could obtain identification cards because they were a "third sex," sparking discussion and debate. In Islamic nations, transgender individuals continue encountering widespread marginalization and frequent workplace discrimination. However, rights organizations claim more than 300,000 transgender people in Pakistan out of a total population of 220 million, the 2017 national census, as Redding (2019) estimated the figure to be around 10,000. The Pakistani Parliament enacted the Transgender Persons (Protection of Rights) Act of 2018, more commonly referred to as the "Transgender Act," on May 9, 2018. The purpose of the Act is to protect the rights of transgender persons and ensure their wellbeing. The Act was eventually passed after years of advocacy by transgender activists and groups to recognize their rights and end discrimination against them. However, its impact on Pakistani society has been the subject of heated debate and controversy since the Act's passage.

1.1 Gender identity

Gender identity, according to the World Health Organization, is a person's deeply felt, internal, and distinctive experience of a third gender or merely gender, which may or may not correspond with the person's physiology or assigned sex at birth. Sociologists contend, when discussing the philosophical definition of gender identity for this purpose, that it pertains to a person's self-concept of being female or male based on their association with feminine or masculine gender expectations (Hines, Sally, and Sanger 2010). Society and social structure define and establish a particular gender within the framework

of male and female based on biological circumstances. The third gender has received minimal discussion and examination. Transgender men, for instance, identify as women because they have such a strong emotional and psychological connection with the feminine characteristics of society. Transgender women have a strong affinity for masculinity. It is difficult to assess the prevalence of transgenderism in contemporary society. According to Statistics Canada, there is no fixed number of lesbian, homosexual, bisexual, and transgender individuals (Transgender Law and Policy Institute 2007). As gender is socially constructed, there is also debate and contention that males create the roles and responsibilities of each gender. Therefore, gender is a flexible term. In diverse communities, the concept of gender rigidity and fixity is pervasive and interpreted in various ways. Gender is defined as having specific tasks and responsibilities that differ from culture to culture and society to society to maintain social order. All in all, it can say that the issue is rooted in social norms and values that designate roles and responsibilities to a particular gender (United Nations International Children's Emergency Fund 2007).

1.2 Transgender

The term "transgender" refers to individuals whose gender identity, behaviour, attitude, and expression do not match their biologically ascribed sex. American Psychological Association (2014) defines gender expression as how a person communicates their gender or sexual identity to others through behaviour, attitude, attire, hairstyles, voice, or physical characteristics. Gender

individuality refers to the internal or sexual perception of a person as male, female, or other. The phrase "trans" is sometimes a short form for "transgender." While the expression "transsexual or transgender" is decent speculation, not everyone with an orientation nonconforming appearance or conduct will distinguish as transsexual. Transsexual individuals' portrayal in mainstream society, the scholarly community, and science is constantly developing, particularly as individuals' mindfulness, information, and receptiveness to transsexual individuals and their encounters develop. Orientation character is their very own singular impression orientation. Transsexual or transgender individuals have an orientation character that varies from the direction relegated to them upon entering the world. A transsexual or trans individual might distinguish as a man, a lady, a transman, a transwoman, or a non-parallel individual or by different terms, for example, hijra, third orientation, or orientation eccentric. Orientation personality isn't equivalent to sexual direction. Transsexual people was hetero, gay, sexually open, or biogenetic. (United Nation Human rights 2017).

However, Transgender individuals have been marginalized in South Asian countries, including Pakistan and India. Discrimination against transgender individuals has been prevalent in these countries for many years, with few legal protections to protect their rights. In recent years, however, transgender rights awareness has increased, resulting in legal changes in both countries (Khan 2019). This research analyzes transgender laws, legal frameworks, Islamic

religious instructions, acts, issues, and perspectives on gender identity in Pakistan. Pakistan has a history of discrimination against transgender individuals. To protect transgender people from prejudice and abuse, Parliament passed the Transgender Persons (Protection of Rights) Act in 2017. The legislation defines someone as transgender if they do not identify with or express the gender that was given to them at birth. The law required the establishment of a National Council for Transgender People, whose purpose would be to protect the civil rights of transgender people and promote their wellbeing. Members of the transgender community and the government both sit on the council (Redding 2019).

Khan (2019) stated that changing a transgender person's gender marker on official documents does not require them to undergo medical or dental procedures. Additionally, it ensures that transsexuals can own property and exercise their right to vote. Despite legislative protections, discrimination and violence against transgender people still occur in Pakistan. The culprits are outdated educational systems, cultural standards, and ineffective law enforcement. In addition to its complex federal and state laws, India has a sophisticated transgender legal system. The Indian government has also enacted similar legislation. The Indian Parliament passed the Transgender Persons (Protection of Rights) Act in November 2019. According to the Act, a transgender person is one whose gender identity differs from the gender given to them at birth. Those who identify as intersex, a non-binary gender, or as

Kinner, Hijra, Aravani, regardless of whether they have received gender reassignment surgery, hormone therapy, laser therapy, or other therapy. The National Council for Transgender People is also established under the law to address issues unique to transgender people. Despite legal protections, transgender people in India still experience violence and discrimination. The nation has a long history of discriminating against transgender persons, primarily because of cultural and socioeconomic reasons. The law's application has also come under fire, with some contending that it does not go far enough to safeguard the rights of transgender persons (Khan 2014).

1.3 Islamic Religious Instructions and Transgender Identity

Most Pakistanis adhere to Islam, the country's official religion. The transgender community has been a hot topic of discussion among Muslims in this country for quite some time. There is a difference among Islam scholars on the question of transgender persons, with some holding that transgender people should be embraced and supported and others holding that such actions are contrary to Islamic precepts. Hijra is the traditional term for transgender individuals in Pakistan. Hijras have been utilized for centuries in South Asian rituals and festivities. Some Muslims argue that the rest of the faithful should back the Hijra movement because they see it as having a legitimate place in Islam. However, others within the Islamic scholar community view transgender people as violating Islamic law due to their rejection of traditional gender roles. They

argue that Allah's gender is set at conception and cannot be altered (Ahmed 2017).

It's common to see transgender identity and Islamic teachings as opposed concepts. There has been much discussion and controversy about the relationship between these two fields of study and the public. Stigma, prejudice, and an overall lack of acceptance from society are just a few of the difficulties transgender people encounter. Gender conformity and respect for established gender roles are also emphasized in Islamic religious texts. Therefore, this study investigates the connection between Islamic teachings and transgenderism. Biological sex, psychological and emotional stability, and societal and cultural norms are all essential factors determining a person's gender identification (Karkazis 2008). Transgender people are persons whose internalized gender does not correspond to the biological gender they were assigned at birth. Because of the discrepancy between their biological sex and gender identity, they go through a lot of emotional turmoil (Chaudhry 2018)). People who identify as transgender face various societal challenges, including prejudice and physical harm. In many parts of the world today, transgender persons experience stigma and bias (Bockting et al. 2013). Islam is a religion that places a strong emphasis on upholding strict gender norms and duties. Islamic beliefs assert that, based on biological sex, men and women have various social obligations and functions. For instance, women are instructed to take care of the home and the children in Quranic verse 4:34, while men are charged with

providing for them. Islam also prohibits any form of sexual expression or behaviour that violates the heterosexual norm (Quran 7:80-81).

Several groups have used Islamic teachings to defend the prejudice and marginalization of transgender people. People who do not match such moulds have difficulty finding social acceptability due to the pressure to adhere to traditional gender norms. Some Islamic religious officials view transgender individuals as defying God's order. They view transgenderism as a rebellion against God's designed gender roles (Abu-Lughod 2002).

According to some Islamic scholars, the Quran, and other Islamic literature should be interpreted to promote empathy and acceptance of transgender people. Hassan (2018) asserts that the Islamic notion of tawhid (God's unity) emphasizes the importance of treating everyone equally and respectfully, regardless of gender identity. Furthermore, they assert that because of the Islamic principle of ijtiḥād (independent thinking), Islamic teachings was revised to consider changing social and cultural standards. On the subject of allowing transgender people to have gender reassignment surgery (GRS), Islamic scholars are divided. Transgender people who want their bodies to reflect the gender they desire more accurately may receive gender reassignment surgery. Some Islamic scholars have argued that GRS is prohibited in Islam because it implies messing with God's creation (Abu-Lughod 2002). Some claim that GRS is a form of self-mutilation that violates God's order for design (Islamic Web).

1.4‘Transgender persons (Protection of Rights) Act of 2018’

The Transgender Persons "Rights Protection" Act of 2018 defines a transgender or transgender person as an intersex (kunsa) individual with a combination of male and female genital characteristics, an inherent ambiguity, or a eunuch. A man who was born as himself but subsequently has his genitalia edited or castrated. In addition, they should receive the same legal protections as cisgender individuals (International Commission of Jurists 2020). Pakistan was reportedly one of the first countries to accept transgender persons officially (Voice of America 2019). Numerous petitions have been filed against the Transgender (Protection of Rights) Act of 2018, some still pending in both parliaments. Senator Aziz is opposed to the bill. They disagree on the definition and interpretation of transgender (Pakistani Senate 2022). The International Court of Justice has argued that the action complies with international law, as Pakistan has signed numerous organizations and statutes regarding gender equality and human rights.

1.5 Socio-political implications

‘The Transgender (Protection of Rights) Act 2018’ protects the right of citizens to identify as male, female, or a mix of both genders and to write their name on all official documents, like passports: ID cards, driver's licenses, and academic awards. Religious leaders were against the phrase, and Senator Mushtak Ahmad

Khan of the religious group Jamate Islami asked the Federal Shariat Court to investigate it. The court decided if a specific rule is in line with Islam. It's different from civil courts because it can make decisions. This means a lot of other things. Because of social unrest and political ambiguity, the rule makes it hard for the Pakistani parliament to follow the constitution. (Redding 2019). There is a favorable socio-economic implication of the 'transgender persons (protection of rights) act of 2018'. After this act, the trans community can utilize and avail opportunities as other genders exercise. This neglected group with distorted gender identity after this act can take a breath in obtaining education, health, job opportunity, and most importantly, acceptance of their gender identity as a transgender person is the breakthrough in the history of Pakistan. Through this act, if someone harasses them, snatches their constitutional rights, or deprives them of equal socio-economic opportunities, they can claim their rights to the state. After this act, it is the core responsibility of the state to facility them (Khan 2014).

According to this act, now, transgender can easily and freely obtain an education, avail of health facilities, and participate in economic activities without any restrictions as other gender are doing. These are the social ramification of this act, but there are some negative assumptions due to 'the transgender persons (protection of right) act of 2018'. The population of gender dysphoria will increase, disturbing Pakistan's Islamic culture. Similarly, religious scholars predict that this act will promote the culture of LGBT.

However, in various countries, the transgender community has been neglected from their fundamental rights and space. Countries where gender identity is fixed and revolves around two gender entities: male and female, are primarily third-world states. Therefore, individuals who claim that we are transgenders or other gender face obstacles on many sides (European Commission 2018). Owing to the distorted identity of the transgender community in Pakistan, this community has been facing discrimination, neglected, deprivation, and marginalization from all sides. This act is a benchmark to address this matter seriously about Transgender person's rights and safety. Before the passage of this law, Pakistani law recognized only two sexes, and those who did not fall into one of these categories were forced to conform to the sex assigned at birth, resulting in discrimination in employment, opening a bank account, and other situations. Social justice advocates argue that the law is a step toward granting transgender people the same rights as other male and female citizens (Tabassum and Jamil 2014).

The Transgender Act marks a turning point in accepting transgender liberties in Pakistan. The law was enacted to combat the prejudice and marginalization that the transgender community faces in Pakistani society. The law mandates the establishment of a National Council on Transgender People (NCTP) charged with promoting and protecting transgender rights in Pakistan. The NCTP is in charge of passing legislation and implementing policies that advance the legal, social, and economic circumstances of transgender individuals. However, there

have been conflicting societal effects of transgender legislation. Transgender legal protections have increased public knowledge, but this hasn't always resulted in broader social acceptance. In Pakistani society, transgender persons still experience violence and discrimination. Studies from the National AIDS Control Program (NACP) and the United Nations Development Program (UNDP) show that transgender persons are the target of disproportionately high rates of violence, harassment, and discrimination in Pakistan. The National AIDS Control Program and United Nations Development Program (2017) revealed that 75% of transgender people had faced physical abuse, and 90% of transgender people had encountered prejudice in the healthcare, education, and work sectors. A turning point in Pakistani politics was reached with the passage of the transgender bill. The unanimous adoption of the bill in the House of Representatives and the Senate demonstrated an unheard-of agreement on transgender rights. International organizations and campaigners have praised the bill as a significant achievement for transgender equality. However, the transgender measure has had a conflicting political impact. Despite broad support during the parliamentary process, the bill has recently come under fire for how it is carried out.

‘The National Council for Transgender Persons (NCTP), established under the Act, has faced significant challenges in carrying out its mandate. Concerns have been raised about the lack of funding for programs aimed at improving the economic and social status of transgender persons. Transgender persons in

Pakistan face significant financial challenges. They are often excluded from formal employment and are forced to rely on begging sex work or other informal occupations. The Transgender Act addressed these economic issues by providing transgender persons with legal protections and promoting their economic empowerment.

1.6 Cultural and Religious Implications

Every action in society has consequences. In the Muslim community, many religious texts refer to the definition of gender identity when discussing gender identity, gender expression, and gender distress. In terms of sociocultural and religious contexts, a country established as an Islamic Republic has various locations and legislative processes. So the 2018 transgender law has cultural and religious consequences. In this law, many rights of transgender people and the obligations of the state are discussed, from the basic definition of transgender people to their social rights according to the Constitution of Pakistan in 1973. The Transgender Act has made transgender people the third gender in the future society. Because of this behaviour, previous cultural norms and beliefs have changed. Following this act, transgender people are now considered to be the third gender and are represented by gender X. The Council of Islamic Thought and the Sharia Court opposed and condemned this practice after analysis. According to the Council of Islamic Thought and the Sharia Court, transgender people's actions contain gaps and flaws that will affect the teachings and practices of Islam. Panelists pointed out that divisions were

evident among different social groups and that many lawsuits challenging various aspects of the Act were brought to higher courts. The Council of Islamic Thought has also harshly criticized the definition of transgender, saying it violates both the content and spirit of Sharia and the law. The Council has also proposed legislation to address issues caused by bisexuality. The right to specify one's gender according to personal preference is fundamentally questionable. In addition to being a direct challenge to religion, especially Islam, it is thought to undermine the very foundations of humanity and human civilization. In Pakistan, the history of transgender people is long and complicated. Transgender people have always been seen as a distinct group in Pakistan. They are called hijra. The Hijra in Pakistan has their customs, rituals, and even their language. This gives them a unique social and cultural identity. Although Hijras are recognized in Pakistani culture, they still face much discrimination and marginalization (Khan 2019). Transgender legislation attempted to address some of these cultural issues by identifying transgender people as real people and granting them legal rights. People have said that the law does not help transgender people deal with their cultural issues. For example, the law does not address the transgender community's longstanding requirements for hijra culture to be recognized and for hijras to participate in cultural and religious events (Ahmad 2019).

1.7 Controversies and Complexities in Transgender (Person protection of rights) Act 2018

To protect and promote the rights of the transgender community in Pakistan, the Transgender Act 2018 was passed. It aims to ensure that transgender people in Pakistan can access public places, exercise their fundamental rights, and have the opportunity to own, inherit property, and get education and employment, vote for the candidates, they choose, and perform public functions. The rights of the transgender community and the responsibilities of the state and its organizations are outlined in this law. However, Pakistan is facing problems due to Transgender Rights Act 2018 (Redding 2019). Three other measures to amend this law have been introduced to oppose it. Senators Mohin, Mushtaq Ahmed, and Maulana Farooq Haideri have all spoken out against 2018 bills opposing the protection of transgender rights. They said the law encourages a homosexual society, impacting the country's Muslim religious landscape and outlook. According to religious authorities and Sharia courts, the law has several flaws that promote homosexuality in our culture. The senators questioned section 3 and subsection (1) of the Transgender Act of 2018, which allows transgender people to define their gender roles, status, and responsibilities following their gender identity. Consistent with the idea of self-identified gender identity. Furthermore, they argue that the term “transgender” in this law has been misinterpreted. They called for this law to be changed, including the term transgender to intersex and Kunsu (Pakistan Senate 2022).

However, since this law was passed, issues of LGBT, awareness of gender identity, and homosexuality have re-emerged amid severe social unrest. Many gender identities, such as LGBT versus transgender, are still not mentioned and explained in the Constitution, confusing the general population (Ali 2019). Due to the Transgender Act of 2018 and this debate, the researcher feels a knowledge gap exists. The Transgender (Defense of Rights) Act 2018, however, is unknown in the community where this discussion has emerged. Meanwhile, the general public does not entirely understand this law's main provisions nor the general knowledge of the laity or the ordinary person. The legislature, the transgender community, and the general public are separated by a large gap that creates barriers. This study aimed to examine public perception of this law and its impact. Using this law as a basis for philosophical argument, scholars also investigate gaps, misunderstandings, and misrepresentations about transgender rights and identities and the causes of gender identity ambiguity. This is why the transgender community's awareness of the 2018 transgender law is mentioned in this study. The 2018 transgender law, its preambles, and proposals also pose questions to experts in people's religions.

1.8 Statement of the Statement

The Islamic Republic of Pakistan approved a law titled "Transgender (Protection of Rights) Act 2018" There have been vigorous discussions and debates between conservatives and liberals regarding the articles and paragraphs of this law. Leftists assert that the law will grant transgender people

fundamental and constitutional rights, whereas Muslim clerics and other religious scholars argue it will promote homosexuality. In Pakistani society, homosexuality and gender dysphoria exist. Liberals, secularists, conservatives, progressives, and advocates for social justice all experience social perplexity. This study is founded on a social impact analysis of transgender action. This study aims to collect and analyze both parties' perspectives to identify valid agreement and disagreements and to fill the gaps in literature. However, research indicates that transgender individuals and the general public have differing perceptions of this practice and its justifications. To comprehend how the Transgender Act of 2018 affects transgender individuals in Pakistan, it is necessary to examine its social implications. Researchers can identify areas where additional support or resources may be required to ensure that transgender people can fully exercise their rights and participate equally in society by analyzing this action's effects on the transgender community.

1.9 Research Objectives

- To understand the impact of the Act on the social acceptance and inclusion of transgender individuals in Pakistani society.
- To explore the experiences and perceptions of transgender persons in Pakistan regarding implementing the Transgender Persons (Protection of Rights) Act of 2018 and to identify the gaps and challenges in its implementation.

- To investigate the social and cultural implications of the Transgender Persons (Protection of Rights) Act of 2018 in Pakistan, including its impact on family dynamics, social inclusion and exclusion, and the overall well-being of transgender persons.

1.10 Research Question

- What are the social implications of the Transgender persons (Protection of Rights) Act of 2018 according to religious, politicians, lawyers, and transgender leader's perspectives?
- How have Pakistani society and cultural norms influenced the implementation and enforcement of the Transgender Persons (Protection of Rights) Act of 2018, and what are the perceptions of the key stakeholders towards transgender individuals and their rights?
- How has the Transgender Persons (Protection of Rights) Act, 2018 influenced the provision of healthcare, education, and employment opportunities for transgender individuals in Pakistan, and what barriers to access and inclusion continue to exist in these areas?

1.11 Significance of the Study

The Transgender (Protecting Rights) Act of 2018 and its potential positive and negative effects are explained in this research work. This study addresses the Social implications of the Transgender Act 2018 and the lack of information regarding transgender identity and its associated challenges. An important

research question with many potential ramifications for the transgender community and society is the Transgender persons Act of 2018 in Pakistan. The transgender Act 2018 is the first law in Pakistan to recognize and protect transgender rights. To understand how this law is applied in practice and whether it successfully provides legal protection for transgender people, it is essential to investigate its social ramifications. Researchers examines the law's "social impact" to learn how it affects social inclusion and diversity.

Additionally, it highlights issues with how the law is being applied that could limit its capacity to support inclusivity. Following the adoption the transgender bill in 2018, the public's perception of transgender people may change. Examining the law's social effects can reveal how public perceptions change and whether transgender people are becoming more accepted and understood. According to the Transgender People Act of 2018, transgender people must have the same access to public spaces as their cisgender counterparts. Analyze the law's social impact to determine whether transgender people have benefited from its implementation and whether it has contributed to greater access and equality in these areas.

Chapter No.2
Literature Review

By showing that the study's central assumption is supported by previous research, the literature review aims to give it some initial credibility. It provides the complete background knowledge on all pertinent variables needed to logically and reasonably support current investigations with the aid of earlier studies. Due to the chapter's extensive inclusion of crucial review information, the study is now at the top of its field. In Pakistan, transgender people experience severe discrimination and social isolation. They have long been the targets of assault, harassment, and discrimination due to their gender identity (Ali 2019). The Transgender Persons (Protection of Rights) Act was passed by the Pakistani government in 2018 to address these challenges. As a result of this law, transgender people now have clear legal recognition and rights based on their gender identity. This literature study focuses on the legal rights of transgender people in Pakistan (Human Rights Commission Pakistan 2019). The Pakistani parliament approved the Transgender Persons (Protection of Rights) Act of 2018 on May 8. People who identify as Trans can inherit property, attend college, and pursue whatever job they choose.

Additionally, transgender persons are shielded by the law against discrimination. This law creates a National Council for Transgender Persons, whose duties include advising the government on transgender matters and overseeing the law's execution. Its preservation of the right to self-identification is one of the act's most important features. The law safeguards transgender people's freedom to select their preferred gender expression. Additionally, they

can identify as "intersex" or "eunuch." This clause ensures that transgender people are not pressured to fit into traditional binary gender classifications and acknowledges the diversity of gender identities. Protection against discrimination is one of the act's key provisions. The law forbids discrimination against transgender people in various settings, including work, healthcare, and education. Moreover, it calls for creating special committees to look into and address discriminatory allegations.

In Pakistan, transgender persons experience a variety of legal and societal obstacles, including discrimination, assault, and restricted access to healthcare, education, and work possibilities, according to Human Rights Watch (2018) study. Despite these obstacles, some significant advancements in recent years have been made to safeguard transgender people's rights in Pakistan. Accepting transgender individuals as a third gender in Pakistan is one of the most important breakthroughs. Transgender individuals in Pakistan were given legal recognition for their rights by the Supreme Court of Pakistan in 2009, and 2012, the Pakistani government formally acknowledged them as a third gender. Transgender persons now have more legal protection and visibility in Pakistan because of this acknowledgement. Nevertheless, despite these encouraging advancements, transgender persons in Pakistan continue to confront several difficulties. Many transgender individuals experience harassment, physical aggression, and sexual assault; discrimination and violence against them continue to be widespread problems. In addition, as transgender persons are

excluded from access to healthcare, education, and employment opportunities, many are forced to rely on sex work as their primary source of income. In Pakistan, the legal standing of transgender individuals has dramatically improved in recent years. The Transgender Persons (Protection of Rights) Act was passed by the Pakistani government in 2017 to ensure that transgender persons in the nation have equal access to public facilities like schools, workplaces, and healthcare. The National Council for Transgender People, which is in charge of creating strategies and initiatives to advance transgender equality in Pakistan, was also established by the law. The Transgender Rights Protection Act, according to supporters of transgender people in Pakistan, is a good step forward but falls short of all of their demands. There are concerns about how effectively the law will be implemented locally and whether transgender people will be sufficiently protected from workplace discrimination. The Transgender Persons (Protection of Rights) Act, notwithstanding these limitations, represents a significant advancement in achieving equal rights for transgender people in Pakistan. There have been various efforts to advance transgender rights in Pakistan, such as the formation of self-help and interest groups and political parties representing transgender people.

2.1. The Review table

Article Author	Article Title	Date	Themes
Hines, S., and T. Sanger	Transgender Identities: Towards a Social Analysis of Gender Diversity	2010	Transgender identities, social analysis, gender diversity
Redding, Jeffrey A.	The Pakistan Transgender Persons (Protection of Rights) Act of 2018 and Its Impact on the Law of Gender in Pakistan	2019	Transgender persons, Pakistan, human rights, legal framework
Feinberg, Leslie	Transgender Warriors: Making History from Joan of Arc to Dennis Rodman	1996	Transgender history, gender identity, activism
Clements-Nolle, Kristen, Rani Marx, and Mitchell Katz	Attempted Suicide among Transgender Persons	2006	Transgender persons, suicide, mental health
Herbst, Jeffrey H., Elizabeth D. Jacobs, Teresa J. Finlayson, Vel S. McKleroy, Mary Spink Neumann, and Nicole Crepaz	Estimating HIV Prevalence and Risk Behaviors of Transgender Persons in the United States: A Systematic Review	2007	Transgender persons, HIV/AIDS, sexual health
Sánchez, Nelson F., John Paul Sánchez, and Ann Danoff	Health Care Utilization, Barriers to Care, and Hormone Usage Among Male-to-Female Transgender Persons in New York City	2009	Transgender persons, healthcare access, hormone therapy
Nuttbrock, Larry, Sel Hwahng, Walter Bockting, Andrew Rosenblum, Mona Mason, Monica Macri, and Jeffrey Becker	Lifetime Risk Factors for HIV/Sexually Transmitted Infections Among Male-to-Female Transgender Persons	2009	Transgender persons, HIV/AIDS, sexual health

Article Author	Article Title	Date	Themes
Melesse, Dessalegn Y., Leigh Anne Shafer, Faran Emmanuel, Tahira Reza, Baseer K Achakzai, Sofia Furqan, and James F Blanchard	Heterogeneity in Geographical Trends of HIV Epidemics among Key Populations in Pakistan: A Mathematical Modeling Study of Survey Data	2018	HIV/AIDS, key populations, Pakistan
Khan, Saad Ali	Guru-chela Relationship in Khwajasira Culture of Pakistan: Uncovering the Dynamics of Power and Hegemony Within	2020	Khwajasira culture, power dynamics
Naseem, Fozia, Rooh ul Amin, and Ghulam Muhammad Awan	An Analytical Study of Laws, Determining the Gender of A Transgender Person in Pakistan	2021	Transgender persons, legal framework, gender identity
Altaf, Arshad, Muhammad Safdar Kamal Pasha, Ayesha Majeed, Wajid Ali, Ahmed Sabry Alaama, and Muhammad Shahid Jamil	Acceptability and Feasibility of HIV Self-testing Among Transgender People in Larkana, Pakistan: Results from A Pilot Project	2022	HIV/AIDS, self-testing, transgender persons
Zia, B. A.	TRANS BY BIRTH: LIFE OF A TRANSGENDER PERSON IN PAKISTAN	2015	Transgender persons, Pakistan
Minton, H. L.	Queer Theory: Historical Roots and Implications for Psychology	1997	Queer theory, psychology
Bolich, P. D.	Transgender History and Geography: Cross-dressing in Context. Vol. 3. Lulu. Com.	2007	Transgender

All data which were derived from different sources are mentioned above with authors' name, article titles, data and themes to make the literature review chapter more convincing.

To sum up, transgender persons in Pakistan continue to suffer severe legal and societal challenges, such as discrimination, violence, and a lack of healthcare, education, and job. The passing of the Transgender individuals (Protection of Rights) Act and the acknowledgement of transgender individuals as a third gender are two recent examples of progress toward protecting their rights. There is still much work to be done to improve conditions for transgender persons in Pakistan, but these changes are positive steps toward achieving that goal.

2.2. Transgender as a Third Gender Identity

Anyone whose internalized gender does not correspond to their external, biological gender is considered transgender. Discrimination and social marginalization are frequent occurrences for members of this group. Pakistan, a country with over 220 million people, has a substantial Trans community. This study examined the legal, social, and cultural situation of Pakistan's transgender community. This study reviewed the historical and artistic treatment of Trans individuals in Pakistan and their present legal and social status. Due to discriminatory regulations, transgender people in Pakistan have difficulty getting even the most basic legal rights. Until recently, there was no legal protection for transgender people in Pakistan (Bari 2019). However, in

2018, the Pakistani government passed the Transgender Persons (Protection of Rights) Act. This law now provides legal protections for transgender persons and formally recognizes them as a separate gender category. Equal protection under the law is a right for every citizen, regardless of gender identity or expression. Transgender people are included in this.

Discrimination against transgender people has been prohibited in all settings, including the workplace, hospital, and educational institutions. Additionally, transgender people are permitted by law to use any pronouns of their choosing. Because they lack government-issued credentials that appropriately reflect their gender identification, many people have difficulty accessing essential services like healthcare and education. Many transgender people still endure frequent assault threats and overt prejudice. There are numerous societal and cultural obstacles for transgender people in Pakistan. In several contexts, including the workplace, educational institutions, and healthcare facilities, they are the objects of prejudice and harassment. Due to the competitive job environment, many people turn to sex work as a last alternative to make ends meet (Siddique 2017).

Additionally, they frequently experience physical and sexual abuse. A lot of transgender persons struggle to get quality medical attention. They work to receive even the most basic medical care because medical professionals are discriminatory towards them. Many medical professionals could feel

unprepared to serve transgender patients due to a lack of knowledge and understanding regarding transgender health.

While the Pakistani government has made some strides in recognizing transgender individuals as a third gender and granting them legal rights (BBC 2016). All Pakistani residents are given equal legal protection under the law regardless of their gender. However, because of their gender identification, transgender people frequently face social marginalization and rejection. The Pakistani Constitution also guarantees the freedom to join associations and congregate peacefully with its inhabitants. However, these safeguards are often curtailed for transgender people. For instance, their capacity to organize and participate in public protests might be constrained. The Pakistani constitution also guarantees the right to an education. But transgender students frequently experience prejudice and isolation. Two key reasons many people cannot complete their education are a lack of financial resources and institutional bias. Transgender persons have a tough time exercising their legal rights in Pakistan. There is still a long way to go, but the government of Pakistan has taken significant steps toward granting transgender people the same legal protections as other citizens. In Pakistan, transgender people still face discrimination and exclusion.

2.3. Historical Background

In Pakistan, transgender people are frequently referred to as "hijras." They are historically regarded as a distinct gender category and have a rich cultural past in the region. However, in recent years, they have experienced increased violence and prejudice. The Human Rights Commission of Pakistan has compiled reports of harassment, abuse, and discrimination against transgender people in Pakistan's workplaces, educational institutions, and healthcare facilities. They also struggle to acquire the assistance they require from the legal system. 5,000-year-old Akkadian and Sumerian writings reference Gala priests who may have been transgender. Similar scenes were seen in Mediterranean art from 9,500 to 3,700 years ago. There were Gallia priests in Phrygia and Rome, and some academics think they were transgender women. There have always been third-gender, transgender, and non-binary people in many communities. New ideas like transgender, gender nonconforming, and gender identity didn't develop until the 1960s. As a result, there is disagreement on the optimal method for classifying historical accounts of individuals and groups following their gender transitions. (Susan 2008). Transgender persons have existed in communities all over the world, from the kathoey of Thailand to the hijras of the Indian subcontinent, and their existence has been chronicled in the literature that includes features of a transgender person who are depicted as men, according to Susan Stayker's book *Transgender History*. Currently, about 500,000 Hijras are living in India and 200,000 in Bangladesh. Both groups are legally protected from discrimination because they are transgender, and

many trans persons find acceptance in Thailand. Khanith (formerly Mukhannathun) has played a gender-bending role since the sixth century AD. The third sex and other gender-specific behaviours, as well as ancient or contemporary synthetic derivatives from historica, are included in this period, as are items and identities that was called transgender in the broad term. According to Westbrook and Schilt (2014), John F. Olive, a psychiatry professor at Columbia University, first used the word "transgender" in 1965 in his reference book *Sexual Hygienic Practices and Pathology*. Transgender persons have been reported in numerous indigenous Western and Eastern nations and civilizations. However, there are various cultural definitions of gender nonconformity.

This people group adapts and endures through time and civilizations, but their identities change and become distorted when encountering new environments. Every significant religion in the world accords them with specific positions. However, at the time, poor scientific and medical infrastructure and traditional cultural practices made it more challenging for a third gender to live (Scott 1986). In Indian history, specifically the Mughal Empire, it is conceivable to trace the beginnings of third-gender living back to a more fundamental level. Everywhere, even in the king's sitting halls (Darbars), transgender persons were treated with respect and decency. The third gender had social and economic status throughout the Mughal Empire. Third genders on the subcontinent had a significant role during this time, despite problems between the sexes (Durba 2004). In the Indian subcontinent, those who identify as hijra are a part of groups that follow a guru-

chela-style lineage system. "Kinnar" refers to animals from old mythology that thrive in song and dance and is preferred by the hijra Hindu population. Jogappa, aravani, and aruvani have also been used for them. The word "transgender," which is how they are referred to in Pakistan, is known in Urdu as "khawaja sira."

Transgender people have a long history in Pakistan. The Hijra community, comprised of transgender people, has existed in South Asia for centuries. The Hijra community has a complex history and is essential to Pakistani culture. They are often seen as spiritual and perform religious ceremonies at weddings and births. However, despite their cultural importance, transgender people in Pakistan have long faced discrimination and exclusion. They are often stigmatized and ostracized by mainstream society. Transgender people face high rates of poverty, unemployment, and violence. Many have limited access to health care and education (Tabassum and Jamil 2014).

Transgender people have a complicated and controversial history in many countries, cultures, religious traditions, and political systems. This review aims to delve into the debates and complexities surrounding transgender persons throughout history from a sociopolitical, cultural, and spiritual perspective. Aspects of Society and Government Human rights violations, discrimination, and social marginalization are everyday experiences for transgender people. Giametta et al. (2017), transgender people face societal and legal barriers while attempting to secure housing, employment, education, and healthcare. Several countries have also reported increased transphobia and hate

crimes against transgender people (Bockting et al. 2016). Lack of legal protection, public knowledge, and education about the realities and rights of transgender individuals have all been related to these problems. Different cultures have different ideas about what transgender people should and should not say.

According to Koken et al. (2018), two civilizations that have recognized and welcomed transgender identities and expressions are the Hijra culture of India and the Two Spirit tradition of diverse Native American societies. In many parts of the world, transgender persons and their identities have been ostracized, pathologized, and even rejected (Bockting et al. 2016). Diverse cultural views and viewpoints have influenced how transgender people are accepted and included. Because of the complexity of their gender expression and identity, transgender people have also come under criticism and scrutiny from the religious community. According to McQueeney (2019), two examples of spiritual practices and beliefs that accept or recognize transgender identities and expressions include the Hijra identity in Islam and the role of the third gender in some Hindu traditions. In several religious contexts, the rejection or condemnation of transgender identities and expressions has been justified by traditional gender roles and norms (Bockting et al. 2016). These theological disagreements have influenced how people of different faiths perceive and deal with transgender people. The ongoing discussions and complexity surrounding transgender people have been affected by social, political, cultural, and

religious factors. Transgender people lack legal protection in many countries, and their rights and experiences are disregarded. Human rights violations, discrimination, and social exclusion result from this. Cultural perceptions of transgender identities and expressions have also impacted transgender people's societal acceptance and inclusion. The beliefs and practices of various religious organizations affect whether transgender identities and expressions are accepted or rejected by those communities. For this reason, an interdisciplinary approach that considers sociopolitical, cultural, and religious viewpoints is required to adequately understand the complex issues and ongoing disputes surrounding transgender people.

Herbst et al. (2007) attempted to determine how many transgender individuals have HIV and what behaviours place them at risk. Sánchez et al. (2009) investigated the frequency with which male-to-female transgender individuals in New York City utilized health care, barriers to care, and hormone use. They conducted this to determine whether current care aligns with the Healthy People 2010 and World Professional Association for Transgender Health objectives. Melesse et al. (2018) examined how the spread of HIV in various regions of Pakistan affects injection drug users, female sex workers, and transgender/male sex workers in Pakistan differently. Redding (2019) analyzed the most significant provisions of Pakistan's 2018 Transgender Persons (Protection of Rights) Act and identified the problematic clauses. Redding (2020) examined the evolution of transgender rights and the government's failure to implement

the 2018 Act. Khan (2020) wished to learn more about the transgender community in Pakistan by examining the Islamic principles and the Transgender Persons (Protection of Rights) Act 2018 to determine if Khunsa people have a gender disability (Naseem et al., 2020). The study to determine whether providing HIV self-testing kits to transgender individuals in Larkana would be acceptable and feasible. (Altaf et al. 2022)

2.4. Law of gender, Legal Framework, and Gender Identity in Pakistan

In Pakistan and elsewhere, gender is a hotly debated legal issue. The prevalence of non-binary identities among Pakistan's people has long been acknowledged as a significant social problem. The legal rights and acceptance of transgender persons have significantly increased in recent years. With a focus on third-gender and transgender people, this literature review analyzes gender-specific laws and policies in Pakistan. Pakistan's legal system is based on Islamic law since Islam is the recognized state religion in that nation. No Pakistani citizen is denied equal legal protection because of gender, ethnicity, religion, caste, or country of origin. The constitution does not explicitly say that transgender people have a right to equal protection under the law, despite the possibility of such a request (Supreme Court of Pakistan 2009). In Pakistani courts, those who don't fit the gender binary are denied justice. The Supreme Court of Pakistan formally recognized the rights of the third gender, often known as hijras, in a landmark decision from 2009. According to the 1973 constitution of Pakistan,

third-gender individuals are entitled to government-issued identification and travel documents. The Transgender Persons (Protection of Rights) Act was enacted by Pakistan in 2018 to safeguard transgender people. The Transgender Equality Act affirmed a person's right to identify as either male or female. Additionally, it outlawed discrimination against transgender people based on how they express their gender identification or gender expression. Despite having legal recognition, Pakistani citizens who identify as a third gender nevertheless face several difficulties. Many transgender people are forced to work as sex actors or turn to beg to survive due to the widespread prejudice and discrimination they face. Poverty and social isolation have negative repercussions exacerbated by a lack of access to health care, education, and employment prospects. Transgender people frequently encounter social rejection, sexual violence, and physical violence. More legal protection and enforcement measures are urgently required in Pakistan due to recent police brutality and arbitrary arrests of transgender people. The legal system has significantly protected the rights of transgender individuals in Pakistan. The Supreme Court recognized the third gender in 2009, setting a precedent in the ongoing fight for transgender rights in the United States. The court's decision was supported by the rights to due process, life, and liberty that the Constitution guarantees. The Lahore High Court (2017) ruled in response to petition 35687/2015, which argued that if transgender people were not counted in the national census, they would be denied access to fundamental rights.

As the judiciary has been essential in protecting the rights of transgender persons, the government and other stakeholders must work together to guarantee that the legal framework is successfully implemented to ensure that all individuals' rights, regardless of gender identity, are protected.

2.5. Legal and Policy Responses

Important new legislation in Pakistan, the Transgender Persons (Protection of Rights) Act 2018, seeks to safeguard the rights and well-being of the transgender community. This legislation is noteworthy because it promotes equality and nondiscrimination for transgender people in various settings, including the workplace. The law has been criticized for not ensuring transgender people have equal access to health care, employment, and education and for not consulting transgender activists before it was passed or implemented. The Transgender Persons (Protection of Rights) Act 2018 has been praised for its innovative and inclusive features by several academics and human rights organizations. Haider (2019) stated that Legal recognition and protection from prejudice and violence towards transgender individuals in Pakistan is a significant step forward. Recognizing transgender people under the law as having a separate gender identity is crucial because it acknowledges the presence and diversity of gender identities beyond the standard binary gender identities. Discrimination against transgender persons is illegal in many areas, including the workplace, healthcare, and schools.

The Act's provisions on nondiscrimination and acknowledgement of gender identity, say some experts, can serve as an example for other countries. Sajjad states, "the Act sets an important precedent for the recognition of transgender persons in South Asia and could inspire other countries to follow suit" (Sajjad 2020). Where transgender people have been historically marginalized and discriminated against, the Act's provisions may also help promote a more inclusive and diverse society in Pakistan.

Some academics, activists, and even transgender people have resisted the Act despite its favourable aspects. Concerns have been raised that the Act does not address the many and varied problems that transgender people in Pakistan confront. For instance, many transgender people need access to healthcare treatments like hormone therapy and gender-affirming operations, but the Act does not provide for this. Furthermore, the Act does not deal with workplace discrimination, which can impede transgender people from gaining access to secure and respectable employment. The lack of involvement of transgender activists in the law's creation and execution is another issue. Others believe the transgender community was not consulted or allowed to commit to the law before it was pushed on them. So, there is a perception among some transgender people that the law does not adequately address their concerns. Human Rights Watch found that the law in Pakistan failed to address many of the most pressing issues of transgender individuals because they were not consulted during its creation (Human Rights Watch 2019). The transgender community

in Pakistan faces social shame and prejudice, which raises concerns that the law's provisions may not be adequately applied or enforced. Some academics have argued that the law's ability to protect transgender people's rights may be hindered by the general public's lack of understanding and acceptance of this population. The desire of government and society to adopt and enforce the requirements of the law is crucial to the law's effectiveness, as Rizvi (2020) points out progress in legal protections and public policies for transgender people in Pakistan. Some have applauded the bill for its forward-thinking and thorough provisions, while others have pointed out that transgender persons were not consulted during its drafting.

2.6. Social Implication of the Act

For transgender individuals in Pakistan, the passage of the Transgender Persons (Protection of Rights) Act 2018 is a step in the right direction. Transgender persons experiences less discrimination, harassment, and violence if the law fully protects them and acknowledges their identities. Education, jobs, and health care are all areas that was not fit from this. However, there are bounds to what was done legally. One of the major complaints about the bill is that it does not guarantee equal access to school and work for transgender persons. The severe prejudice individuals confronted in these settings may restrict their access to these possibilities.

Furthermore, transgender people in same-sex relationships may be affected by the law because it does not recognize such relationships. It was a significant victory for transgender individuals in Pakistan when the Transgender Persons (Protection of Rights) Act 2018 was passed. It can help lessen prejudice, harassment, and violence against them since it gives them legal protection and acknowledges their identity. Transgender persons in Pakistan should be able to access essential services, including health care, housing, and employment, yet the legislation has limitations. The effects of this law on transgender people's daily lives in Pakistan should be studied in the future. The law had a far-reaching impact on Pakistan's transgender population. Increased visibility and acceptance of the transgender community have resulted from the legal framework it established to acknowledge transgender persons and their gender identification. It has also aided efforts to abolish transgender discrimination by giving victims of such abuse legal recourse. The law in Pakistan also has repercussions on the populace at large. As a result, transgender people's struggles have received more attention, and a more accepting culture has been fostered. In addition to advancing a more nuanced understanding of gender identity and expression, it has helped challenge conventional gender norms (Ali 2019). In Pakistan, transgender persons frequently experience discrimination, harassment, and even physical violence. Among the hate crimes they encounter include rape, assault, and murder. In addition, individuals face prejudice in various settings, including the workplace, healthcare, and academia. Many

members of these groups have been excluded from significant social and economic possibilities due to discrimination. Transgender people frequently turn to sex work or beg for money in Pakistan, exacerbating these problems (Khan 2019). People who identify as transgender often face prejudice, abuse, and violence. As in other countries, transgender people in Pakistan experience discrimination and have restricted access to healthcare, education, and employment services.

To safeguard and advance the rights of transgender people, Pakistan passed the Transgender Persons (Protection of Rights) Act in 2018. The bill represented a step toward ending discrimination and marginalization of transgender individuals in Pakistan. However, there are differing views on the legislation, with some expressing concerns about how it will apply. In this literature review, we examine the legal and policy responses made by the Pakistani government to the Transgender Persons (Protection of Rights) Act 2018. The Transgender Persons (Protection of Rights) Act 2018 is the first law mainly designed to protect the rights of transgender people to be passed in Pakistan. Because the law recognizes their right to choose their gender, transgender people are protected from discrimination in all areas of life, including but not limited to school, jobs, health care, and restroom access. The law also establishes the National Council for Transgender individuals, whose duty is to promote and protect the rights of transgender individuals.

Nevertheless, despite these constructive moves, the law has been applied and enforced unevenly. According to Human Rights Watch, many transgender people continue to face discrimination, abuse, and a lack of access to their legal rights. The study claims that the National Council for Transgender People's limited functionality has prevented the law's full implementation. Some people have also opposed the requirement that transgender people obtain proof of identity from a medical organization before they may be recognized as transgender. The rule has drawn criticism for restricting people's freedom of choice and fostering damaging medical stereotypes. Activists have criticized the measure for not safeguarding transgender people from violence and hate crimes. The Transgender Persons Act of 2018 has received support from several human rights organizations, notwithstanding these reservations.

2.7. Challenges and Criticism

The Pakistani government took a significant step toward recognizing the rights of transgender individuals with the passing of the Transgender Rights Protection Act of 2018. Many problems and complaints have arisen while putting this law into effect. The researcher in this paper analyzes the difficulties and objections against Pakistan's Transgender Persons (Protection of Rights) Act 2018. Several conservative groups in Pakistan have challenged the constitutionality of the Transgender People (Protection of Rights) Act 2018, arguing that transgender people violate Pakistani social standards. These parties say the law goes against Islamic and cultural norms in Pakistan. They further

argue that the law threatens marriage and the traditional family structure in Pakistan (Khan 2019). The transgender population also encountered social obstacles during the law's implementation in Pakistan.

Transgender people face discrimination and harassment in public spaces like schools and workplaces because of a general lack of knowledge about Trans problems. Health care, housing, and work are all areas where transgender people have trouble gaining entry (Khalid 2019). Problems with Implementation Lack of political will, inefficient bureaucracy, and inadequate resources all pose severe obstacles to enforcing the Transgender Persons Act (Protection of Rights) Act of 2018. A lack of funding for public awareness, education campaigns, and training for law enforcement has hindered the law's successful implementation. In addition, government officials and law enforcement personnel lack the necessary skills for successful law enforcement (Khan 2019). The Transgender Persons (Protection of Rights) Act of 2018 has drawn criticism for not going far enough in defending the civil rights of transgender individuals. They contend that the law does not offer sufficient protections for transgender people and that they are still at risk of discrimination and violence due to their gender. According to some, transgender people are not sufficiently protected from discrimination in various settings, including employment, education, and health care (Khalid 2019). It has been questioned if Pakistan's law protecting transgender people, which took effect this year, is legitimate. Conservative organizations oppose the bill, the transgender

community is socially against it, and implementation will be challenging due to bureaucratic red tape and a lack of resources. The bill has drawn criticism because, according to some, it doesn't go far enough in preventing discrimination against transgender persons. To ensure the law is effectively implemented, and employees' rights are protected, addressing these problems and critiques is essential.

The intersectionality of various prejudices further complicates transgender issues. The transgender community already experiences assault danger, lack of access to health care, and workplace discrimination. It was challenging to meet the needs of transgender people holistically since they frequently encounter multiple forms of discrimination at once (Poteat et al. 2019). The Transgender Persons (Protection of Rights) Act of 2018 has drawn flak for failing to do more to address the stigma surrounding those who don't identify as one of two genders. Although transgender people have legal rights and protections, these do not go far enough to change the underlying attitudes and ideas contributing to their marginalization and discrimination. If the proponents of the Transgender Rights Protection Act do not address the root causes of transgender issues, the act may become ineffective (Nanda, 2019). Individuals have criticized the Transgender Persons (Protection of Rights) Act 2018 for not adequately addressing the intersectionality of the various forms of discrimination experienced by transgender individuals. The law may not adequately protect individuals who identify as transgender and belong to

underrepresented groups. The transgender community and members of poorer social groups may face double discrimination (Thilakan 2020).

Chapter No. 3
Theoretical framework

3.1. Queer theory

Queer theory is a social constructionist movement that dates back to the early 1990s and draws inspiration from queer analysis, earlier Trans, gay, and lesbian studies, and women's studies. The phrase might indicate a range of things depending on the context, but it is often associated with examining and critiquing heteronormative conceptions of gender and sexuality. Regarding social-constructivist developments in sociology, queer theorists have been harshly critical of ontological notions of gender and sexuality. Instead, they frequently examine how these concepts are expressed in society and culture by reviewing the categories, binaries, and linguistic expressions employed. Gloria Anzalda and other academics popularized the queer theory in the 1990s, drawing inspiration from French post-structuralist philosopher Michel Foucault, who regarded sexuality as socially constructed and rejected identity politics. The queer theory makes an effort to address three levels of the individual: the micro level, which is their identity; the meso level, which is their immediate family and close friends; the macro level, which is the individual in their larger social setting, culture, politics, and law. In actuality, lesbian, gay, bisexual, and transgender people are all included in queer theory's investigations of these groups. The emergence of queer philosophy places a premium on same-sex relationships. (Minton 1997).

Queer theory is a theoretical framework that challenges the normative constructs of gender and sexuality, particularly concerning heteronormativity.

It emerged in the late 1980s and early 1990s as a critical response to traditional lesbian and gay studies focused on assimilation and acceptance into the dominant culture. Queer theory is grounded in the belief that sexuality and gender are fluid and that heteronormative and cisgender norms are socially constructed and maintained through power relations. The central proposition of queer theory is that there is no fixed, universal, or natural way of being gay, lesbian, bisexual, transgender, or queer. Therefore, social, cultural, and political actions constantly renegotiate, challenge, and reconstruct these categories. The queer theory challenges the applicability of defining gender as purely male or female concerning transgender people. Queer theorists contend that many current and historical factors affect gender identity. They reject the notion that gender is a binary construct or that it derives from biological sex. Queer theorists contend that gender is something that may be acquired as opposed to being an innate characteristic of an individual. Transgender people are stigmatized for refusing to conform to the binary gender paradigm. Queer theorists contend that transgender identities are not aberrant and instead serve as examples of how gender presentation may vary. Another area where queer theory is criticized is the pathologizing of those who do not adhere to gender norms in society. A theory has been put up that suggests a transgender person's gender identity was established without the need for therapeutic interventions like hormone therapy or gender confirmation surgery. Those who identify as transgender, on the other hand, should be respected and acknowledged for their

right to self-expression. In the end, queer theory contends that binary categories of gender and sexuality are flexible since they are social constructs. It argued that accepting one's gender is a feat in and of itself and that transgender identities are not an oddity but rather a reflection of the diversity and malleability of gender.

3.2. Gender Order Theory

Gender order theory is a sociological framework for understanding how gender functions as a system of social power and inequality. It claims that gender is a social construct generated and perpetuated via interactions, cultural practices, and institutional structures rather than a purely personal or biological attribute (Connell 2002). The main ideas and arguments of gender order theory are introduced in this section, along with topics like the theoretical significance of gender, the structural and historical roots of gender inequality, and the nuanced interactions between gender and other social constructs like race, socioeconomic status, and sexual orientation. According to gender order theory, gender is a socially and culturally constructed concept. According to this theory, gender roles and expectations are social constructs rather than fixed traits like masculinity and femininity. These norms and roles are passed on through institutionalized socialization in places like the family, the media, and the classroom. Many assume gender is not fixed but varies over time and across cultures (Connell 2002). The second tenet of the gender order theory is that gender is a system of power and unfairness. It contends that gender is more than

merely identification or desire and that a social hierarchy prioritizes masculinity over femininity. The systemic effects of this system include violence, injustice, and discrimination against women and other oppressed groups.

These disparities result from symbolic violence that takes the form of gender-based stereotypes, language usage, and social mores (Connell 2002). The third thesis of gender order theory holds that institutions are crucial in maintaining and reproducing gender inequality. There is a widespread belief that institutions, including the family, the government, business, and the media, form the social and cultural norms and behaviors that support gender hierarchies. For instance, the government can enact laws and regulations that discriminate against women or limit their ability to participate in elections and other aspects of public life. Economic considerations may contribute to the overrepresentation of female workers in precarious, low-paying jobs. Promoting sexist images and remarks by the media might legitimize violence against women. In the home, gender roles and expectations might be reinforced because women are expected to provide care and prepare meals while men are expected to provide income and act as parents.

The fourth principle of gender order theory holds that due to the interactions between gender and other social categories, including race, class, and sexual orientation, there are many distinct types of oppression and injustice. The gender order theory, which examines how people's lived experiences are formed by how their social identities and settings overlap and interact with one

another, is built around intersectionality. A black working-class woman may experience distinct types of marginalization and discrimination than a white middle-class woman at the intersection of race, class, and gender. Similarly, discrimination and violence against transgender people may occur because of their sexual orientation, gender identity, race, or type (Foucault 1978). His significant points revolve around the social and cultural nature of gender institutions' critical roleplay in preserving gender inequality and the intersections between gender and other social categories (Yuval 1997). Gender order theory sheds light on how gender as a complex and dynamic reality was examined in order to fight and rectify gender inequity.

3.3. Intersectionality theory

The intersectionality theory contends that a person's experiences and identities are shaped by various external factors that interact with one another (Crenshaw 1989). This indicates that transgender individuals perceive their gender in a context rather than in an absolute way. For instance, a transgender person of colour may encounter prejudice based on gender and ethnicity. The inter-sectionality theory asserts that one cannot fully understand the other without the other. In contrast, they support and bolster one another (Collins 2000). Because of the numerous connections between their gender identification and other aspects of who they are, it is essential to understand the lived experiences of transgender persons.

The "intersectionality theory," which Kimberlé Crenshaw created in 1989, asserts that various factors influence a person's experiences and identities. Only a few of these categories include gender, race, financial status, and sexual orientation. This means that to understand someone's gender experience thoroughly, it must be considered along with their other identities. The intersectionality hypothesis emphasizes how the interplay of several influences may be seen in transgender people's experiences with gender. For instance, a transgender person of colour might experience issues related to both their gender and racial identities. They may face prejudice and marginalization because of both their transgender identity and their race, which puts them at a disadvantage and makes life more difficult for them in many ways.

The intersectionality theory also stresses the importance of not treating these parts separately. They improve each other and help a person's life and character grow. To fully understand how transgender people live, it is essential to identify and consider how their gender identity intersects with other parts of who they are, like their race, social status, and sexual orientation.

When intersectionality theory is used, it is clear that Pakistan's Transgender Persons (Protection of Rights) Act of 2018 recognizes the many problems transgender people face. It accepts that several things, including gender identity, can cause bias and exclusion. For example, a transgender person with a disability may have more trouble getting care because of how they identify as a person.

Legislators and advocates of the Transgender Persons Act should include intersectionality theory into the Transgender Persons Act's structure to protect the rights of transgender individuals better. To achieve this measures that address the complex realities of marginalization and discrimination faced by transgender individuals in Pakistan must be implemented. We can observe how the lives and identities of Tran's individuals are complex and interconnected via the prism of intersectionality theory. By acknowledging and resolving the intersections of gender with other dimensions of identity, such as race, class, and sexuality, societies can seek to create a more equal and inclusive environment for all people, including transgender persons. Therefore, it is critical to recognize that discrimination and marginalization against transgender people may occur for reasons unrelated to their gender identity. For instance, a transgender person who also happens to be disabled can experience difficulties getting access to healthcare due to their conflicting identities.

Finally, the intricacy and interconnection of unique identities and life experiences are highlighted by intersectionality theory. Therefore, it is essential to consider how transgender people's gender identification overlaps with other aspects of their identity to comprehend how they perceive gender fully. We can move towards a more just and equal society if we recognize and deal with these intersections.

These overlapping categories resist investigation in isolation from one another, according to the intersectionality theory. Instead, they support one another and

feed off of one another. Because of this, we must look at how their gender identification interacts with everything else about them to have a whole picture of transgender people's life. For instance, a transgender person of colour may encounter prejudice based on gender and ethnicity. To address the particular challenges transgender individuals face in Pakistan, the country passed the Transgender Persons (Protection of Rights) Act in 2018. The law states that it is essential to protect their rights and help them integrate into society. It acknowledges that other factors besides gender identity make transgender people susceptible to prejudice and marginalization.

In light of intersectionality theory, the Transgender Persons (Protection of Rights) Act of 2018 in Pakistan was said to:

- Racial, financial, and sexual orientation discrimination are other problems that transgender persons in Pakistan must contend with.

Even though discrimination and marginalization of transgender persons are caused by more than just their gender identity, this is nevertheless a reality.

- The Transgender Persons Act of 2018 recognizes the necessity of defending transgender people's rights in light of the numerous forms of prejudice they encounter.

- If we are to create a more inclusive and equitable society, we need to understand the relationship between gender identity and other parts of transgender people's identities and take appropriate action.

The Transgender Persons Act's implementation and enforcement must consider the intersectional experiences and demands of Trans persons if Trans rights are to be effectively protected.

By acknowledging the intersectionality of transgender people's experiences and identities and actively working to address the specific challenges they face, Pakistan can make significant strides in promoting the rights and well-being of transgender people and, ultimately, fostering a more inclusive society.

3.4. Social Identity Theory

Explaining how social affiliations affect personal identities is the goal of social identity theory (SIT). According to Tajfel and Turner's (1986) social identity theory (SIT), a person's sense of self is influenced by affiliation with social groups with similar traits. The Social Identity Theory also explains how group membership can lead to discrimination and prejudice. Only a few of the numerous social phenomena to which the theory has been applied include bias, intergroup conflict, and the transmission of influence. To make judgments regarding the SIT's main points, we examine them. SIT was developed on the premise that individuals spontaneously classify themselves and others based on shared and unique traits. According to Tajfel and Turner (1986), it is a fundamental human need to organize and arrange one's social environment. In-group favouritism is a cognitive bias that causes people to like their group over those of others. Tajfel and Turner initially found this bias in 1986. In research by Tajfel et al. (1971), participants were categorized based on their expressed

preferences for particular art pieces. Even though group membership was neutral, participants preferred their group over the opposing group.

The second basic tenet of SIT is that social identities significantly impact people's sense of self. Social contacts are essential for fostering a feeling of identity, belonging, and self-worth, according to Tajfel and Turner (1986).

This implies that people's sense of identity is influenced by their participation in a particular social group and their distinctive qualities. According to Turner et al. (1987), social identity makes individuals feel comfortable and secure in their interpersonal connections. For instance, Brewer and Gardner (1996) found that students with a strong sense of belonging to their collegiate sports team had better self-esteem.

The third tenet of SIT is that people frequently discriminate against and stereotype members of particular groups. The development of negative beliefs toward social outgroups and the ingroup preference effect are related, according to Tajfel and Turner (1986). Social categorization is grouping people into separate groups based on their shared features and unique traits (Haslam, 2001). Stereotyping is generalizing about other people based purely on their membership in a particular group (Fiske and Taylor 2013). By simply harbouring animosity toward a group's members due to their membership, one is said to be prejudiced (Allport 1954). For instance, Tajfel and Wilkes (1963) found that despite the groups' insignificance, young men assigned to them randomly harboured negative attitudes about their counterparts. The fourth

claim made by SIT is that competition between groups for power or resources can result in violence. According to a study by Tajfel and Turner (1986), members of rival groups are more prone to believe that they are superior to the other group. Conflicts and tensions between various groups could so get worse. In a groundbreaking experiment, Sherif et al. (1961) split a group of kids into two factions and forced them to fight for the same resources, inducing intergroup conflict. The experiment resulted in conflict, hatred, and occasionally physical violence between the groups. To sum up, social identity theory offers a sound theoretical foundation for investigating how individuals create and maintain their identities connected to the communities in which they participate.

3.5. Application of theories

Queer theory shows how gender, sexuality, and identity intersect with other social constructs, including race, class, and ability. Examining how the Social Implications of Transgender Persons (Protection of Rights) Act of 2018 creates and promotes specific gender and sexual identities is necessary when researching the Act through the prism of queer theory. Investigating how the Social Implications of Transgender Persons (Protection of Rights) Act of 2018 constructs and reinforces specific gender and sexual identities would be one aspect of applying queer theory to the study of the Act. Critiquing binary concepts like cis/trans, gay/straight, and male/female is crucial to queer theory. In the opinion of queer theorists, these designations are arbitrary and solely used

to maintain the authority of particular groups. An analysis of the law is required to establish whether or not the Transgender Persons (Protection of Rights) Act 2018 supports or opposes such binary classifications. Another key idea in queer theory is the intersectionality of identities. As a result, individuals' experiences of identity are situated among various other social categories, such as race, class, and ability. Through a queer theoretical perspective, we can examine how the Transgender Persons (Protection of Rights) Act of 2018 interacts with other social categories to influence the lives of transgender people.

Queer theory also emphasizes the significance of one's personal story in understanding one's identity. Conducting interviews or surveys with transgender people may be helpful to understand better the effects of the Transgender Persons (Protection of Rights) Act 2018. Overall, a queer theory analysis of the Transgender Persons (Protection of Rights) Act 2018 could lead to a more nuanced understanding of the effects of the laws on transgender people and how they support or contradict existing cultural constructions of gender and sexuality. The Transgender Persons (Protection of Rights) Act of 2018 in Pakistan is examined using social identity theory to see how this law may affect transgender people's sense of self and interactions with cisgender people. Transgender people are them. The law's prohibitions against discrimination and violence based on gender identification, for instance, may increase awareness of and acceptance of transgender people in Pakistani society. These elements' improved visibility and acceptance may aid

transgender people's sense of social identity. Even among cisgender people, who may see transgender people as threatening their social identity and status, the law can aggravate community conflicts. It may be helpful to examine how different facets of Pakistani society interpret the law and how it influences their attitudes toward and treatment of transgender people. Social identity theory may offer a valuable framework for examining the social implications of the Transgender Persons (Protection of Rights) Act of 2018, particularly for the social identities and interactions between transgender and cisgender people. Pieces like *The History of Sexuality* (1976) may move Pakistanis because of an underlying truth rather than cultural fiction. According to Foucault, identity is not innate, and hierarchies of desire are utilized in politics as a means of oppression. In her book *Thinking Sex*, Gayle Rubin offers a similar argument, asserting that while some sexual behaviours are praised, others are stigmatized. From there, within this ethical framework, oppression and marginalization were justified. Gender and sexuality, according to Judith Butler's thesis in her 1990 book "*Gender Trouble*," are aspects of one's performance rather than immutable traits.

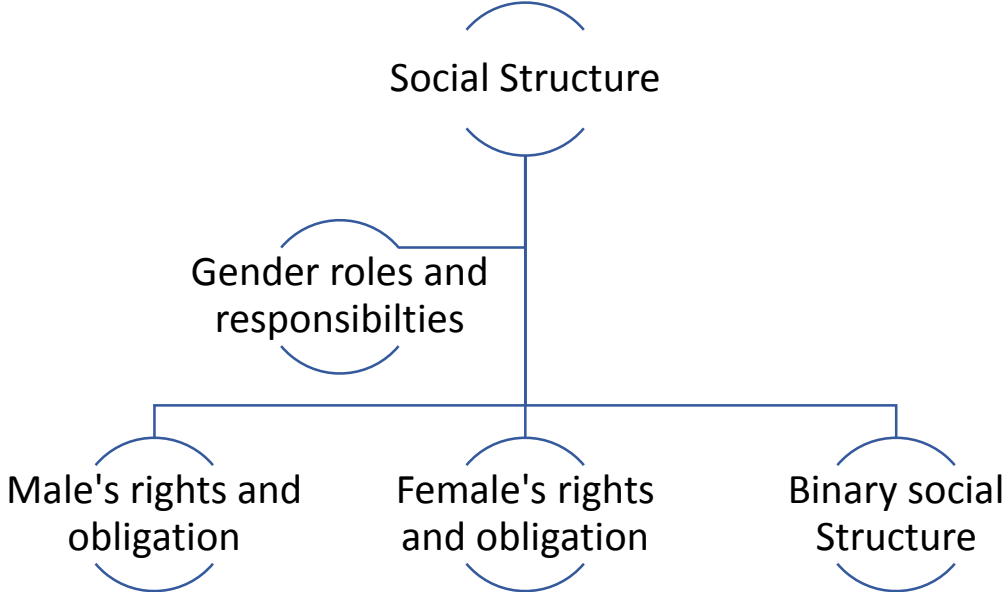
The 2018 Transgender Persons (Protection of Rights) Act in India was examined through R. W. Connell's gender order theory. This theory contends that gender influences social norms and hierarchies on a systemic level and is a personal trait of individuals. The approach also emphasizes comprehending the function of gender in various institutional settings. In the context of the

Transgender Persons (Protection of Rights) Act of 2018, gender order theory was utilized to examine how power dynamics affect how gendered identities and norms are formed. Despite having the right to self-identify, transgender people must first pass a verification process to obtain a legitimate identification certificate. This procedure might even strengthen current power structures while pushing some transgender communities further to the periphery. Gender Order Theory emphasizes the need to comprehend how gender functions in various institutional contexts. The implementation of the law's acknowledgement of transgender people's rights to receive these services by educational, professional, and medical institutions is still to be determined. Analyzing the responses of various organizations can help us understand how effective the law is at reducing the adverse social effects of transgender people. There are numerous masculinities and femininities, according to gender order theory, each impacted by various power dynamics and cultural norms. The societal stigma that frequently results from non-conforming gender expressions is not protected by law, even though transgender people's right to express their gender identification is. By examining how the law addresses these issues, it may be possible to gain insight into how it affects societal norms. In conclusion, Connell's gender order theory was used to understand better the social effects of the Transgender Persons (Protection of Rights) Act 2018. We may learn more about how protected transgender people are in India under the law using this theoretical framework for the Act.

According to the gender order theory, our society is set up to support and uphold preexisting gender roles and hierarchies. According to this notion, gender is not fixed in a person's genes but rather something that exists because of institutional and cultural norms. The concept states that gender plays a significant role in all aspects of society. The Social Impact of Transgender People (Protection of Rights) Act 2018 was better understood through gender order theory, which offers insights into the institutionalization and legalization of gender norms and expectations. This law attempts to reduce transgender people's discrimination in Pakistani society, particularly in health care, education, and employment.

However, the Act has also been criticized for failing to recognize the complexity of transgender identities and experiences fully. Some activists argue that the Act reinforces binary gender norms and fails to provide adequate protections and recognition for non-binary individuals. Moreover, the Act requires transgender individuals to undergo a medical examination and certification process to have their gender identity legally recognized, which some argue violates their autonomy and privacy. In summary, the Gender Order Theory helps us understand how gender norms and expectations are perpetuated through institutional and legal structures and how the Social Implications of Transgender Persons (Protection of Rights) Act of 2018 seeks to address some of the discrimination and marginalization faced by transgender individuals in Pakistan, while also highlighting some of its limitations and potential shortcomings.

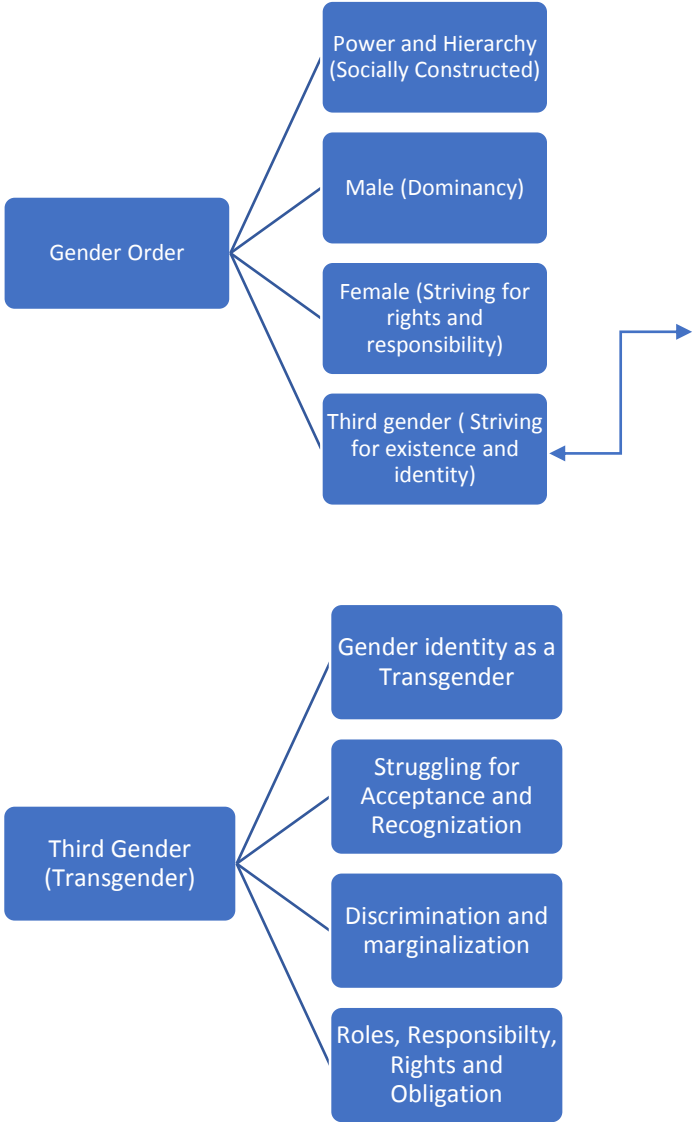
Figure 1: Social Structure of Gender



Sources: Self Made

In the above-given flow chart, the social structure is elaborated along with the roles, responsibilities, rights, and obligations of the two gender has been discussed. Still, the Gender order theory and Queer theories criticize this binary social structure and its practices. They say that gender is not fixed; it is fluid, and the third gender has its part, and existence in this structure has been ignored, marginalized, and discriminated against by these two strong genders, predominantly male.

Figure 2 Gender order and Third gender identity



Source: Intersectionality, Queer theory and Gender Order

In this above-given flowchart, the Gender order and its related roles, responsibilities, rights, and obligations have been constructed and deconstructed according to the theoretical proposition of Queer and Gender

Order Theory by using the keywords of the research topic. In this chart, the core practices and socio-cultural practices have been explained. Similarly, the issue related to the acceptance and discrimination of the third gender, especially transgender persons, has been discussed. The social structure function under the theme and objectives of gender roles, responsibilities, rights, and obligations, which are assigned and given based on gender. There are only two gender concepts that prevail in Pakistani society. The status being male and female roles, responsibilities, and rights are given. Therefore, through this research and model, the researcher is tried to deconstruct the binary concept of gender and elaborate on the right and issues related third gender, especially transgender persons.

3.6. The Key Theoretical Variables of Implication of the Act

Awareness: Implementing the act requires widespread awareness and understanding of transgender issues. The attention to transgender persons' rights and identity can vary across different sections of society and affect the act's effectiveness.

Discrimination: Despite the act's enactment, transgender persons may still face discrimination from society. Bias can vary across different regions and communities in India, and addressing this issue is crucial for successfully implementing the act.

Healthcare: The act mandates the provision of healthcare facilities for transgender persons. The availability and quality of healthcare facilities for transgender persons can significantly impact their well-being and health outcomes.

Education and Employment: The act recognizes transgender person's right to education and employment without discrimination. Implementing this provision can significantly impact the social and economic empowerment of transgender persons.

Family and Society: The act recognizes the right of transgender persons to family and social acceptance. The mental and emotional well-being of transgender people can considerably benefit from social acceptance. However, according to the gender order theory, gender is a social construction established and perpetuated by social conventions and cultural practices rather than a fixed attribute based on inherent biological characteristics. This suggests that rather than being inherent or inevitable, gender norms, roles, and expectations are created and maintained through social structures and interactions.

Gender is hierarchical: According to the gender order idea, there is a hierarchy of genders in which some are more valued than others. Examples include the widespread belief that males are superior to women and masculinity's elevated status relative to femininity in many cultures. Many social, economic, and political norms and structures mirror this order.

Gender order is maintained through institutional and cultural practices:

According to the theory of gender order, institutional and cultural activities such as laws, regulations, media depictions, education, and religion all support and uphold gender order. These practices ensure that men hold the highest societal positions and reinforce conventional gender norms.

Transgender individuals challenge the gender order: Transgender persons challenge the traditional gender roles by highlighting the social construction of gender. Their existence challenges accepted ideas of gender and expose the limitations of engrained gender norms and expectations.

The Social Implications of Transgender Persons (Protection of Rights) Act of 2018 seeks to address discrimination and marginalization: The purpose of Pakistan's Transgender Persons Act (2018) is to protect transgender persons from harassment and violence. In this regard, the social implication of this act is measured from a societal perspective using theories and approaches. The law seeks to ensure transgender persons have equal health care, education, and employment rights by recognizing them as a separate gender. However, the law has been criticized for perpetuating binary gender standards and failing to acknowledge the complexity of transgender identities and experiences properly. In sum, gender order theory sheds light on how institutional and cultural practices uphold gender norms and expectations and how this affects transgender persons. While the Social Impact of Transgender Individuals (Protection of Rights) Act 2018 is an improvement over previous legislation, it

is not enough to fully alleviate the prejudice and marginalization transgender individuals in Pakistan endure.

Chapter No. 4
Conceptualization and Operationalization

4.1. Conceptualization

The term "conceptualization" refers to giving a theoretical or conceptual definition of an abstract construct for enhancement. A conceptual purpose is the product of a thorough, systematic analysis of a construct and a declaration about the idea itself. According to the Social research book written by Neuman (2011) that the conceptualization process in the present investigation included defining the construct from different authors' and researchers' points of view, linking these definitions to create a working definition, and highlighting the similarities and differences between the explanations provided by different authors and researchers in their studies. Conceptualization in social research or thesis writing refers to defining and clarifying concepts or ideas in a research study. It involves identifying the key concepts or variables of interest, specifying their meanings, and establishing relationships. Conceptualization is critical in social research because it lays the foundation for the entire study. Since it ensures that the study's concepts are precise and well-defined, doing so is essential for guaranteeing the validity and dependability of the study's findings.

4.1.2. Social Implications

The term "social implications" describes the probable impacts of a social phenomenon or event on society as a whole or on specific social groupings. In social research, knowing how an issue affects other people is crucial to grasping its more significant cultural and social relevance. In this section, the author attempts to go more deeply into social implications, utilizing a range of

theoretical frameworks and empirical investigations to show how social implications may affect our understanding of various social processes. The concept of social implication is deeply intertwined with more significant theoretical debates in the social sciences regarding how individuals and groups function within broader social and cultural contexts. The dominant theoretical perspective in this area is structural functionalism (Parsons 1951), which argues that social institutions and norms play crucial roles in maintaining social order and stability. This concept holds that social outcomes result from a two-way street wherein individuals' actions and societal norms and institutions mutually influence one another. Critical theory is another essential theoretical perspective on social repercussions (Horkheimer and Adorno 1944), focusing on how power and inequality affect social interactions and outcomes. This perspective holds that systemic societal inequities and unequal power relations frequently influence social problems. Researchers can gain a deeper understanding of how power and inequality create social reality by analyzing the repercussions of various social events from multiple theoretical perspectives. Only two of the many subjects on which empirical study on social repercussions has concentrated are the social implications of technological breakthroughs and the social effects of climate change.

One subject that has generated a lot of scholarly interest recently is the impact of social media on society. Due to their extensive use, social media platforms like Facebook, Twitter, and Instagram significantly impact people's daily lives.

There has been a lot of research in this field on the effects of social media use on mental health. Numerous research has shown that social media use by young people, in particular, can negatively impact their mental health (Lin et al. 2016). Heavy social media users are more likely to experience emotions of loneliness and poorer well-being, according to studies (Verduyn et al. 2015). These findings demonstrate the importance of researching the social consequences of social media use to promote beneficial social outcomes. It is crucial to comprehend the social and cultural significance of social events, and the idea of social implication is vital to this process. The social implications of various social phenomena, from technological advancement to social media use, have been revealed by empirical studies. At the same time, theoretical frameworks like structural functionalism and critical theory provide alternative viewpoints on the interaction between the individual, society, and culture. Looking at social implications from many angles, we can learn more about how social events impact our world and lives.

4.1.3. Transgender Persons

Despite being born into one gender, transgender people do not identify as that gender. This gender identity may be short-lived or persistent and may not fit neatly into the male and female binaries. The only two alternatives accessible to transgender people to help them transition into their preferred gender presentation are hormone therapy and surgery. It is crucial to respect and recognize a transgender person's gender identity in all aspects of their life

because each transgender person has a distinctive experience (World Health Organization 2019). The taboo subjects divide and polarize modern society. People who identify as transgender are those who decide to spend their life as a different gender than the one they were given at birth. Transgender people frequently encounter societal, legal, and medical obstacles in seeking gender acceptance. This research review explored difficulties, mental health problems, and the role of healthcare professionals in helping transgender individuals. Transgender persons often face significant societal barriers, including discrimination, harassment, and violence. Grant et al. (2011) found that nearly 90% of transgender individuals reported experiencing harassment or discrimination in their lifetime, and over 40% reported attempting suicide. These experiences can profoundly impact their mental health and well-being, leading to depression, anxiety, and post-traumatic stress disorder (Budge et al. 2013).

Changing the gender marker on government papers presents significant challenges for transgender people, making legal acknowledgement of gender identity a pressing issue. A 2019 Williams Institute study found that fewer than 25% of transgender people reported changing their gender on all forms of government-issued identification. Discrimination in housing, work, and healthcare can result from a lack of legal recognition. Reisner et al. report that transgender people have a higher prevalence of mental health issues than cisgender people. Over half of transgender people have suffered from a major

depressive episode within the previous year. Substance misuse and anxiety are also common issues seen by mental health professionals (Keuroghlian et al. 2015). Budge et al. (2013) find that discrimination and harassment are significant contributors to the development of these mental health issues. It found that transgender people who faced severe discrimination were more likely to suffer from psychological distress. Transgender people's mental health is affected by the healthcare system because many Trans people have a hard time getting supportive treatment.

The medical community's role includes assisting transgender people in establishing and maintaining their preferred gender identity. There are significant disparities in access and quality of care due to many medical professionals' incapacity to give transgender patients competent care. Over a quarter of transgender people, according to Grant et al. (2011), have encountered discrimination in healthcare, such as being denied care or being verbally or physically abused. Aversion to doctors, postponing treatment, and increased dangerous outcomes are all possible results of bad healthcare encounters. Healthcare providers must be educated on transgender health to provide affirming and competent care that will help reduce these disparities. Gender dysphoria, hormone replacement therapy, and surgical interventions are only some topics that need to be covered. Deutsch et al. (2015) discovered that transgender people with access to gender-affirming hormone therapy had a lower risk of depression and a higher quality of life.

For transgender people, discrimination, harassment, and a lack of legal protection all present significant issues. Due to these causes, this population has a higher-than-average prevalence of mental health problems like sadness and anxiety. Support from loved ones and access to skilled medical care is essential for transgender people. Access to high-quality healthcare for this group must be expanded to enhance health outcomes and reduce health inequalities for transgender people.

4.1.4. Transgender Persons (Protection of Rights) Act of 2018

The government passed the Transgender Persons (Protection of Rights) Act 2018 to protect the civil rights of Pakistan's transgender population. Because the law recognizes their right to self-identify their gender, transgender people are protected from discrimination in many areas of life, including education, work, health care, and housing. The law mandates the creation of a National Council for Transgender People (NCTP) to oversee the law's application and advise the executive branch on transgender rights. Additionally, it establishes guidelines for issuing identity cards and passports that accurately reflect transgender people's gender identities and requires the government to offer transgender people access to health care, education, and work opportunities. Despite the law's importance as a step forward for transgender rights in Pakistan, there has been discussion and criticism around its implementation.

In Pakistan, transgender people have long faced disadvantages and institutionalized prejudice in various social settings. They routinely encounter

harassment, violence, and sexual abuse, but few legal remedies are available. Khawaja Sira is frequently used in Pakistan to refer to transgender people with distinct South Asian cultural and historical identities. Despite a long history of performing at weddings and other social gatherings, the Khawaja Sira clan still fights in Pakistan for social and legal acceptance of their gender identification. NGOs worldwide hailed the Protection of Transgender People (Protection of Rights) Act 2018 as a turning point for transgender rights in Pakistan. However, questions have been made about the effectiveness and application of the law, particularly about the creation and functioning of the National Council for Transgender People. Those who oppose the bill claim that requiring transgender people to choose between a male and a female identity or between a male and a third gender identity imposes binary gender norms.

4.2. Operationalization

The idea under study's specific indicators is identified through operationalization (Blackstone 2018). The act of creating a set of indicators that measure a concept while gathering quality data is known as operationalization, according to Neuman (2014). Researchers tried to provide a clear picture of what these terms represent in practical terms when applied to the study's measurement process by operationalizing a study's key concepts. The researcher tried to systematically operationalize the study field and theme priority work in this section. However, the questions in interview guide were divided into three sections which were analyzed by making themes. There were

thirteenth questions into each sections. The questions were asked to senators, legislators, religious scholars, lawyers, and social activists.

4.2.1. Social Implications

To operationalize a concept, first researchers selected appropriate factors and indicators for use in qualitative a study. The research objectives and research questions engaged while doing this research. The interview guide was shaped as according to the nature of the topic social implications, including family, religious, and inheritance rights of transgender person's gender identity assurance after this act. There were three category of research interview guides which were based thirteenth questions into each sections. To measure the social implications of this act, the question 2, 3, 4, 5,6,7,8 were asked to address the intensity of this act. There are many ways to put into practice the idea of social consequences; which one is used depends on the study's aim and research question. The following techniques was used to give concrete form to the concept of social consequences in the context of academic inquiry.

4.2.2. Public Perception

One technique for operationalizing social implications was to measure or analysis the public opinion research. To learn how individuals perceive a specific transgender law from 2018 and the issue it raises, as well as how they anticipate the law's future social influence, interviews or focus groups were employed. The question related public perceptions were tried to analysis by engaging the target population like public representatives and transgender

persons. The questions 9, 10, 11, 12, were in this regard were used to gathered data. For instance, the topic of the study was the social implications of a new law, researchers conducted surveys to see how the general public feels about it.

4.2.3. Impact on Marginalized Communities

Analyzing how a problem impacts vulnerable people is one way to put societal implications into concrete terms. The transgender persons were historically marginalized populations that were researched in this regard. Researchers gathered data on the law's effects on the communities and people involved to address questions about, for example, the 2018 Transgender Law's societal implications. The questions 1, 3,4,5,6,7,10 were used to gather data on this topic and act. The questions were asked to senators, legislators, social activists, and lawyers about the social implications of this act and law. The data were gathered from religious scholar about the ramification of this act.

4.2.4. Socio-Political and Economic Context

The sociopolitical and economic context in which a particular action or problem first occur also was used to operationalize societal ramifications. The questions 3, 4, 5, 6 were asked to legislators about the socio-political and economic related effects to find the rich data Gathering data on transgender communities, policymakers, and politicians and analyzing how their decisions and policies affect different groups of people were part of this process. To better understand how the 2018 transgender law effects affect transgender people and society, researcher, for instance, collected data on the preferences of various categories

of legislators, lawyers, senators, social activists, including transgender people. The questions 6, 7, 8 and 9 were asked to operationalize the area of research. The questions were asked regarding social, political, legal and religious ramifications of this research.

4.2.5. Legal and Policy Analysis

After the transgender bill was passed in 2018, it is possible to study the legal and political context in which a particular issue arises to operationalize its effects on society. One strategy that was used was gathering the data on the impacts of present laws and policies on diverse populations. The researcher gave a look to the policy's compatibility with other social, political, and economic rules and procedures, as well as its potential consequences on the transgender community and Society as a whole, if the inquiry is about the social impact of the Transgender Persons Act of 2018, for example. The questions 3, 4, 5, 5, 6, 7, 8 and 9 questions were related to the implications of this act legally and socially. In each case, operationalizing social consequences involves choosing a set of quantifiable standards for the idea. In-depth discussions with stakeholders, legislators, lawyers, social activists, religious scholars, and focus group discussion with transgender persons, and analyses of previous and current legislation and policy are just a few examples of indicators. Suppose the concept of social implications is operationalized unambiguously. In that case, researchers can more accurately assess the consequences of various policies, practices, and judgments on people and communities.

4.2.6. Transgender Persons

To operationalize a notion, researchers must establish a set of measurable criteria. The idea of "transgender" was operationalized in various ways, depending on the study's aims and questions. The following are some suggestions for operationalizing the concept of transgender people in academic research. Self-identification is one method that was used to operationalize transgender people. It entails inquiring about a person's gender identification, including whether or not they consider themselves transgender, non-binary, or cisgender. This method acknowledges that gender identity is a subjective experience and allows people to identify themselves. Self-identification information could be gathered through interviews or surveys.

Another way to operationalize transgender people is to focus on legal or medical aspects of the transition. According to this perspective, transgender people are categorized according to whether or not they have received medical procedures like hormone therapy or sex confirmation surgery or altered their gender marking officially. This technique has been used in certain research studies to speak with transgender people about their daily lives following a medical or legal change.

Gender nonconformity is a third lens through which transgender individuals might be operationalized. According to this theory, transgender people do not identify with the two established sex categories and instead exhibit behaviours and attitudes more commonly associated with the other gender. This method

allows for including people who do not match the binary male/female schema in studies by recognizing that gender identification is a diverse and multifaceted experience.

4.2.7. Transgender Persons (Protection of Rights) Act of 2018

The term "operationalization" describes identifying and defining the precise concepts and variables used to assess and analyze the research topic Transgender Persons (Protection of Rights) Act of 2018. In Pakistan, transgender people's rights are safeguarded under the Transgender Persons (Protection of Rights) Act of 2018. It addresses issues such as discrimination and harassment in the workplace, access to health care, education, and housing, and the protection of transgender people. Key concepts and factors connected to the offence, such as legal recognition, discrimination, access to health care, and welfare measures, must be identified to operationalize this research issue. Defining the terms and concepts critical to the study's focus on the Transgender Persons (Protection of Rights) Act 2018 is essential for making the topic concrete. When we talk about transgender people's rights, we're referring to the legal system that protects them. Transgender people face discrimination when denied access to necessities like medical care and work because of their gender identification. The word "access to health care" describes how transgender people can enter and utilize medical care. The term "welfare measures" refers to the legal protections enacted to help transgender persons in many ways, such as through: B. Skill training and financial aid. Finding appropriate indicators or

measurements for each chosen key idea and variable is essential for operationalizing the research topic. Indicators of legal recognition may include the number of transgender rights lawsuits and the percentage of transgender people who have acquired legal acknowledgement of their gender identification. The frequency, nature, and intensity of transgender people's experiences of prejudice are all possible indicators of discrimination. Gender-specific health services, the availability of health services for transgender persons, and the quality of care delivered are all indicators of access to health care. The number of transgender people who have benefited from government welfare programs and the effect of these systems on their socioeconomic standing can serve as indicators of welfare initiatives. Creating a research framework that incorporates these fundamental ideas and variables and the prioritized indicators and measurements is essential for giving concrete form to the research question. By providing a structure within which to collect and analyze data, the research into the Transgender Protection (Protection of Rights) Act of 2018 was sure to be thorough and well-targeted. When it comes down to it, figuring out how to put "Transgender Persons (Protection) of the Law on Rights of 2018" into practice means determining the factors most relevant to the study's focus.

Chapter No.5
Research Methodology

5.1. Nature of Research

The Transgender Persons (Protection of Rights) Act of 2018 is an important legal instrument that protects transgender individuals' rights in Pakistan. This qualitative research design was used to explore the social implications of this Act in Islamabad, Pakistan, with a particular focus on the knowledge and information related to this act and its significance among transgender individuals, legislative bodies, and religious leaders through in-depth interviews along with a focus group discussion. The research philosophy for this study was interpretivism. Interpretivism is a qualitative research philosophy that aims to understand the meaning of social phenomena through the perspectives of the individuals who experience them. As such, this research philosophy was particularly suitable for exploring the social implications of the Transgender Persons Act 2018. The research approach for this study was inductive. An inductive process involves collecting data and then using it to develop theories and explanations for the social phenomena being studied. This approach was particularly appropriate for this study since little research was conducted on the social implications of the Transgender Persons (Protection of Rights) Act of 2018. The research strategy for this study was a case study. The case study strategy is particularly appropriate for exploring the social implications of the Transgender Persons (Protection of Rights) Act of 2018 in Islamabad, Pakistan. The case study focused on the knowledge and information

about this act, the experiences of transgender individuals living in Islamabad, and their experiences of the Act.

5.2. Universe

For this study, the capital of Pakistan, Islamabad, was selected as a universe due to its status as the country's capital, and the respondents' location and availability (Lawyer, Social Activists, Religious Scholars, and Legislators). All the educated and political activists live in Islamabad, and the country's upper house and lower house are situated in Islamabad. Therefore, the researcher selected Islamabad as the universe and population of this research. While on the other, regarding the researcher's suitability of time and availability of resources, the area of Islamabad was selected.

5.3. Unit of Analysis

The vastness and sensitivity of the topic compelled the researcher to engage all stakeholders and their points of view in this regard. There are various ideologies and stances on the Transgender Person (Protection of Rights) Act of 2018, which covered. Therefore, a group of the transgender community, one religious scholar, two social activists, two Lawyers, and three Politicians, including two from the upper house and one from the lower home of the country, points of view was taken through this research. Taking the transgender community, Religious scholars, Lawyers, Social activists, and Politicians from the locality of Islamabad, the rationale behind this was that Islamabad is the capital and

most politicians, representation of the country, and educated population live in this city. Moreover, the distinction of thoughts and diversity of people and culture is the main objective behind Islamabad's selection.

5.4. Sampling design

The research design and sampling strategy described in the given statement was purposive sampling, a non-probability sampling technique that involved selecting participants based on a specific purpose or criterion. In this case, the researcher used purposive sampling to determine individuals with relevant knowledge and experiences related to the Transgender Persons (Protection of Rights) Act of 2018 in Islamabad, Pakistan. The rationale behind using purposive sampling allowed the researcher to select the most suitable and relevant participants for the study. This helped ensure that the data collected was high quality and relevant to the research questions being investigated. In other words, purposive sampling was used when the researcher wanted to select participants with a particular characteristic or experience necessary to the research topic. For this study, the researcher has selected transgender individuals, legislators, lawyers, social activists, and religious leaders living in Islamabad, Pakistan, who have experience and knowledge about the Transgender Persons (Protection of Rights) Act of 2018. These individuals are likely to have unique and valuable perspectives on the topic, which can help to provide a comprehensive understanding of the issues surrounding transgender rights in Pakistan.

5.5. Sample size

The sample size for this research study consisted of eighth case studies and one focus group discussion with the Transgender community. The researchers interviewed two lawyers, three politicians, two senators and one Minister (MNA), one religious scholar and two social activists. They conducted one focus group discussion with educated members of the transgender community to collect information and knowledge related to the Transgender Persons (Protection of Rights) Act of 2018 and its social implications. The sample size is justified based on the research design and the specific research questions being investigated. The purpose of this study is to explore the social implications of the Transgender Persons Act of 2018 and to do so. The researchers have selected a purposive sample of individuals who have relevant knowledge and experience related to the topic.

Given that the sample is purposive, the focus is not on generalizability to a larger population but rather on collecting in-depth and rich data from a specific group of knowledgeable participants. Therefore, the sample size of eighth individuals, including eighth case studies and one focus group discussion, is appropriate for this study as it allows the researchers to understand the social implications of the Transgender Persons Act of 2018. Additionally, the researchers mention reaching the saturation point in data collection where new data no longer contributes to the research questions being investigated. This

further justifies the sample size as it suggests that the researchers have collected sufficient data from their sample to address their research questions.

5.6. Data Collection

The data collection method for this study was semi-structured interviews, which was an appropriate method for collecting qualitative data from participants who had specific knowledge and experience related to the research topic. The researchers used open-ended questions to allow participants to share their experiences and perspectives in their own words regarding the Transgender Persons (Protection of Rights) Act of 2018 and its related implications. This approach allowed participants to express themselves freely and gave the researchers a rich and detailed understanding of their experiences. The face-to-face interviews and focus group discussions used in this study further justify using semi-structured interviews. Face-to-face interviews allow the researchers to establish a rapport with the participants and create a comfortable and safe environment for them to share their experiences. The focus group discussion with transgender gurus and their educated transgender allowed the researchers to gather insights from individuals with shared experiences and perspectives. This approach can help to identify common themes and attitudes among the participants.

5.7. Data Analysis

The data analysis method for this study was thematic analysis. Thematic analysis was an appropriate data analysis method for this study as it enabled the identification of critical issues and themes related to the social implications of the Transgender Persons (Protection of Rights) Act of 2018 in Islamabad, Pakistan. This method allowed for a detailed exploration of the data. It could identify patterns, connections, and relationships within the data that might not have been evident at the study's outset. The use of thematic analysis as a technique for data analysis was suitable for qualitative data analysis, such as case studies, where data analysis focused on identifying and interpreting patterns and themes within the data. This approach could help to identify key themes that were important to the research question and allowed for a deeper understanding of the experiences and perspectives of the participants.

Furthermore, using qualitative software for data analysis could enhance the rigor and credibility of the research. The software could assist in identifying patterns and themes within the data, saving time and providing a consistent approach to data analysis. It could also help to increase transparency and traceability of the analysis process, which can further enhance the credibility of the research. The use of thematic analysis as a data analysis method and qualitative software as a tool for data analysis was justified for this study. This approach allowed for identifying key themes and patterns related to the social implications of the Transgender Persons (Protection of Rights) Act of 2018 in

Islamabad, Pakistan. It was particularly suitable for qualitative data analysis and could help to provide a detailed and comprehensive understanding of the experiences and perspectives of the participants. Moreover, using qualitative software could enhance the credibility and rigor of the analysis process.

5.8. Ethical Considerations

The ethical considerations for research involving human subjects were of utmost importance. In this study, the researcher followed the ethical guidelines to ensure the participants' safety, privacy, and confidentiality. Informed consent was obtained from all participants before beginning the study, and they were informed of their right to withdraw from the study at any time. Moreover, the data collected during the study was kept confidential and anonymous to ensure the participants' privacy. The sensitivity and complexity of the topic being studied were also taken into account by the researcher. The researcher used unbiased and systematic procedures throughout the study to avoid potential harm or distress to the participants.

Furthermore, the researcher ensured that the participants' religious beliefs, social norms, values, and sentiments were not hurt or disturbed during the data collection process. It is crucial to consider ethical issues when conducting research involving human subjects. The use of informed consent, confidentiality, and anonymity is necessary to ensure the safety and privacy of the participants. Moreover, the sensitivity and complexity of the research topic

require additional precautions to avoid potential harm or distress to the participants.

In conclusion, the ethical considerations taken in this study, including informed consent, confidentiality, and anonymity, demonstrate the researcher's commitment to ensuring the safety and privacy of the participants. Using unbiased and systematic procedures proves the research findings are reliable and valid. Considering religious beliefs, social norms, values, and sentiments demonstrates the researcher's sensitivity and respect towards the participants' cultural and social backgrounds.

5.9. Field Experiences

The research topic of the Social Implications of Transgender Persons (Protection of Rights) Act, 2018 necessitates a comprehensive comprehension of the intricate and delicate interplay between social, cultural, and legal dynamics within the context of Pakistan. During the course of my fieldwork as a researcher, I encountered numerous obstacles in performing qualitative research pertaining to this particular subject matter. This paper aims to explore the author's field experiences, the challenges experienced throughout the course of these encounters, and the strategies employed to overcome those challenges.

One of the foremost problems encountered during my field experience pertained to the divergence of ideologies among the individuals participating in the study. The participants in my study represented many ideological

perspectives, encompassing senators, members of the National Assembly of Pakistan, social activists, lawyers, religious academics, and transgender individuals. A subset of the individuals surveyed, particularly lawmakers and academics, demonstrated a lack of comprehensive understanding regarding the Transgender Persons (Protection of Rights) Act, 2018, and its nuanced nature. The aforementioned circumstances posed obstacles in regards to the process of engaging with and conducting interviews with participants.

One notable obstacle encountered pertained to the communication process with the transgender minority residing in Islamabad. During the interview process, I encountered instances of cultural shock and language obstacles. Establishing a rapport with individuals from a different cultural and linguistic background posed a challenge, as my understanding in these areas was inadequate. Nevertheless, I managed to surmount this obstacle by enlisting the services of a proficient translator, who facilitated effective communication between myself and the individuals in question.

During the process of data collection and analysis in the realm of constitutional thinking, I faced several challenges when collaborating with lawyers and politicians. As a result of my limited familiarity with constitutional matters, comprehending their legal jargon and terminologies posed a significant challenge. Nevertheless, I successfully surmounted this obstacle by enlisting the services of a legal specialist who facilitated my comprehension of the legal

structure underpinning the Transgender Persons (Protection of Rights) Act, 2018.

5.10. Limitations

Research limitations are inevitable in any study, and it is essential to acknowledge them to ensure that the research findings are interpreted and evaluated in context. This study had several limitations that may affect the generalizability of the research findings. One of the significant limitations of this study was the limited area targeted, which was Islamabad. As a result, the study's findings might not be generalizable to other regions or countries. Additionally, due to limited resources, only six case studies were selected to represent all the legislation bodies of the government regarding the Transgender Persons (Protection of Rights) Act of 2018. This might limit the diversity of perspectives on the topic.

Moreover, the researcher's limited legal and religious knowledge was another limitation of this study. To address this limitation, the researcher sought the assistance of legal and religious scholars to provide their insights and opinions on the topic. Despite these efforts, the researcher's limited knowledge might still impact the study's findings. Language and cultural barriers were also significant limitations of this study. Since the survey was conducted in Islamabad, language and cultural barriers might have limited the researcher's

ability to collect data from a broader range of participants. This might have resulted in a limited representation of diverse perspectives.

In conclusion, this study has several limitations that may impact the generalizability and diversity of perspectives on the Transgender Persons (Protection of Rights) Act of 2018 in Islamabad, Pakistan. The rules of this study were primarily due to time, limited resources, and cultural and language barriers. Despite these limitations, the study's findings can provide valuable insights into the topic and contribute to the existing literature.

Chapter No. 6
Result and Findings

6.1. Demographic Analysis

The data collection process is divided into two phases. On the one side, researcher collected data from eight respondents with a single Focus group discussion. According to the nature research and its relevancy, the respondents are selected from the legislation body of the upper house and lower house. Two lawyers, two senators, one Minister of national assembly (minister of religious affairs and inter-faith harmony), two social activists, one religious leader, and one focus group discussion with five members of the transgender community were interviewed in detail about this act.

6.2. Profile detail

The number of respondents is mentioned below, with eight respondents and one group discussion of five members.

Profile	Respondent
1. Senators	2
2. MNA	1
3. Social Activists	2
4. Religious Scholars	1
5. Lawyers	2
6. Focus Group Discussion	1 (5)

Table 1

6.3. Profession, Gender and Age:

The respondent's age, profession and gender mentioned from whom the researcher took data.

Profession	Age	Gender
1. Senator	66	Male
2. Minister of religious affair	55	Male
3. Social activist	35	Transgender
4. Senator	53	Female
5. Religious	58	Male
6. Lawyer	37	Male
7. Social Activist	42	Male
8. Lawyer	28	Male

Table 2

6.4. Focus group discussion members

The individuals belonging to the transgender community are gathered for interviews under the focus group discussion. Their profiles are mentioned below:

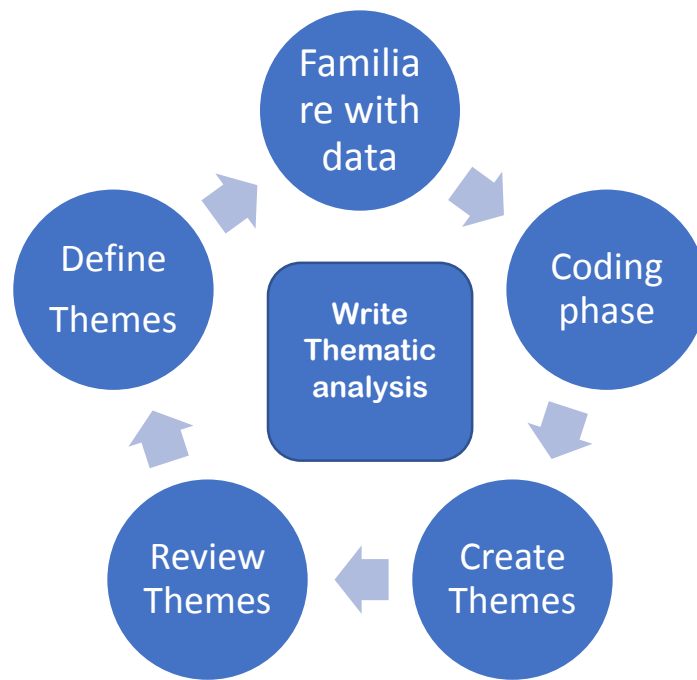
Focus group Discussion respondents	Age	Profession
Transgender	32	Beggar/dancing
Male-Transgender	34	Beggar/dancing
Guro-transgender	45	Beggar
Transgender(Police department)	38	Retired
Transgender	35	Beggar/ livestock

Table 3

6.5. Thematic Analysis

Thematic analysis was used to make themes according to the topic, research questions, objectives and theoretical framework. The themes are derived from the socio-cultural and legal landscape of the research area. The primary focus was on key indicators and topic implications. Socio-cultural, religious and legal implications were analyzed by making themes. The themes were also made using the respondent's expertise, experience and knowledge. In this analysis, the defining and naming thematic analysis was engaged.

Thematic Model:



The above thematic model explained the steps and process of thematic analysis under which this research thematic analysis was engaged.

6.5.1. Legal and Policy Impact

It is considering the potential impact of the Act on transgender rights protection in Pakistan and testing the effectiveness of anti-discrimination, healthcare, and identification document rights for transgender persons. The primary objective of the Transgender Persons (Protection of Rights) Act 2018 in Pakistan was to safeguard transgender individuals against discriminatory practices, ensure access to healthcare services, and acknowledge their gender identity by facilitating the issuance of appropriate identification documents. Nevertheless,

the efficacy of the aforementioned approach has been under to scrutiny as a result of insufficient execution and a dearth of knowledge among law enforcement personnel and healthcare practitioners. The legal system has faced criticism for its perceived inadequacy, as it lacks a precise delineation of transgender individuals and fails to provide sanctions for acts of discrimination. According to Human Rights Watch (2020), it is evident that there are significant legal and human rights considerations surrounding the rights of transgender individuals. The legal framework of this act and its ramification asked. In this regard, one of the lawyers said:

'First of all, it will break the iceberg of British colonial legacy in the shape of legal proceedings and laws regarding gender. Secondly and most importantly, this act eradicates the transgender person's identity crisis. This act will give them a place or status as a human. If this act is implemented on all grounds, it will ensure property rights, the right to live, safety, inheritance rights, job quota, and many more. As we know, transgender persons have been marginalized and discriminated against since the inception of Pakistan. The reasons behind discrimination, marginalization and stereotypes against transgender people are the laws and legal proceedings of the colonial era. As mentioned in this act, the transgender person act of 2018 would override the other laws like family, inheritance and public spheres utilization. Socially

speaking, it is way-forward just. It will take time to implement. The result of this act was seen after a decade if this act has not been made as a controversy. This ensures the education, health and job and public property utilization for transgender. It will help mainstream the transgender population in society. Furthermore, it not only lessens the concept of transgender persons as second-class citizens but also gives them recognition and a sense of dignity. When the transgender population is considered a citizen of Pakistan and obtains a status and place in society, the ratio and percentage of sex-workers and immoral activities will somehow be eradicated. After this, transgender persons will start accepting this society after implementing the act of 2018 in society.'

The primary legal implication of this act is if it is implemented on the ground.

Lawyer responded:

'It will facilitate these socio-cultural conditions of transgender persons in society at all levels. First and foremost, it gives them an identity and space of respect as a citizen of Pakistan.'

Implementing this act would take time as there are many complexities and challenges before this act by religious leaders, the Federal sharia court and the Council of Islamic ideology. Thus, implementing a law in Pakistan takes time without any hurdles. However, this act has numerous bottlenecks. One of the lawyer respondents:

'I think there are various challenges and hindrances to implementation in religious and cultural society. There is a list of challenges and hindrances like religious parties, which are political motivated, extremist, council of Islamic ideology of Pakistan, Federal Sharia court, a large number of uneducated masses and many more. Moreover, these obstacles are prejudice and social exclusion, a lack of information and education, and ineffectual change strategies. As mentioned in the second last chapter of this act, the implementation mechanism of government or enforcement mechanism, like engaging Pakistan Penal code 1860, code of criminal procedure 1898 and national commission for the Status of Women national commission of human rights. Therefore, the government should initiate education campaigns, take measures to eliminate prejudice, and establish effective enforcement mechanisms.'

This act has significant legal implications as some lawyers said it would break the iceberg of British colonial laws like family, inheritance, and gender-related laws. Similarly, one of them expressed his point of view:

'I think about how the Transgender Persons Act of 2018 has changed people's minds and actions in Pakistan. First and foremost, it will create room for change in the country's constitution, which copied most of the law and legal proceedings

from British Colonial times. It will facilitate family law, inheritance law and gender-related legal framework. The Act has helped them notice their situation, fight against prejudice and stigma, and promote acceptance and inclusion. Nonetheless, transgender people in Pakistan still face discrimination, violence, and social marginalization; therefore, ongoing efforts are necessary to include and protect their rights fully. Moreover, it will help in changing the norms and values of people. It is a socialization process. Constitutional law is also part of secondary and formal socialization in society. Changing attitudes and behaviours will take time. Therefore, transgender people's actions will create a room for discussion, which will fabricate space for a social change.'

While on the other side of this legal proceedings and implication, the legislator said:

'This act will disturb the Islamic and cultural legal practices, creating gender dysphoria, unethical practices and moral decay in Pakistani society. Legal framework according to Islamic and Pakistani cultural design and practice, this law creates confusion at the constitutional level. Tomorrow, the other European and secular agenda would hijack Pakistan's legal system. However, we are in favour of human rights and inter-

sex rights. Most importantly, the obligation of state and its institutions for the safety of human rights, justice provision and social inclusion in society, but this act is completely against the human rights discussion, morality and ethic of our Islamic society.'

Transgender people face discrimination in various situations (including the workplace, school, and hospital) which should investigate. Examining the changes in attitudes toward transgender people since the Act's passage. However, it is not easy to make people unlearn the thing which has been learned since childhood about hatred and stereotypes against transgender. For this purpose, one of the lawyer and activist respondents:

'I think, since the enactment of the Transgender Persons (Protection of Rights) Act in 2018, several initiatives have been undertaken in Pakistan to educate the public about transgender issues. One of these measures requires schools to provide transgender pupils with a safe and harassment-free environment. Creating a National Council for Transgender Individuals and holding awareness campaigns, seminars, and other events are additional measures. These initiatives have benefited the transgender community in Pakistan by increasing its visibility and acceptability. Before the Act is fully

implemented and transgender people enjoy complete protection of their rights and liberties, additional work remains. It is only possible when government fulfil its role and responsibility by ensuring the implementation mechanism.'

Social acceptance is the first step toward the successful implementation of this act. When people accept transgender as a human with a different identities, all the stereotypes, discriminatory connotations, and practices will end automatically. In this regard, one of the social activists expressed her thoughts.

'The Act has helped transgender individuals in Pakistan by enabling them to engage in society fully. First and foremost, it gives an identity, acceptance, and space for this community in society. Trans wants nothing else except identity, respect, dignity and acceptance. "Nothing more, nothing less." Although it has contributed to a change in public perception of transgender persons, more has to be done to end discrimination. The Act has improved transgender people's visibility and acceptability, enabling them to engage in many facets of society to a greater extent.'

The legislators who backed and passed this act said that this act revolves around fundamental rights and the state's obligation in which provisions of the act deal with transgender persons' rights. This act deal only with the fundamental rights of individuals. In this regard, one of the social activists responded:

'This act is key to bringing change in the mentality of society. It creates a social environment of acceptance, flexibility, space for human rights, and social inclusion in society. Due to societal and cultural norms, transgender people continue to face discrimination in Pakistan. Examples include systemic discrimination, prejudice, and ignorance. To change these views, it is vital to implement policies, programs, and local efforts that support diversity, challenge prejudice, and promote tolerance.'

Accepting this law in its true sense would create a socially inclusive society. However, the federal Shari court and council of Islamic Ideology recently passed a judgment against this act. In this regard, the researcher interviewed a social activist who responded:

'What can I say in this regard? Is it a pathetic situation for Pakistan as a democratic state to have a constitutional framework or body? I don't know the essential role of the federal Shari court or council of Islamic ideology and when the interference of these bodies would remain. When the country's main dignified bodies have passed and discussed this act, it is not legally justified to pass any judgment against it. However, the previous chairman of the Council of Islamic ideology had accepted this

act when it was sent for review. Now this act is being politicized by some religious fanatics and extremists to play an Islamic and cultural card against it.'

For this purpose, some transgender persons from the transgender community were interviewed under focus group discussion (FGD). One of the Guro-transgender responded:

'Well, this act was passed in 2018, but you can see there is no implication nor any facilities by the government. However, we are still facing discrimination at all levels. We do not have basic rights like food accessibility, source of income and recognition. First and foremost, even the government institutions are not ready to accept us. Some of our community members visited Nadra for their national identity, and their behaviours looked non-serious. They tried to make them confused about gender identity. After a long struggle, they registered us.'

While talking with Guro about transgender persons in FDG, other educated transgender who did the job in the Police station. She responded:

'Sorry to say there is negative propaganda against us by some religious parties. Owing to them, society is not ready to change its mindset and is not ready to accept us as citizens of this country. We are being treated as second-class citizens.'

After transcribing data, researcher felt that there is a huge gap in legal and policy implication especially in the context of gender related laws;

Transgender person's rights are a far cry. However, this act has various legal implications like family laws, education and employment related laws and rights would affect.

6.5.3. Social Implications

The debate and discussion in this research are mainly based on the implication of this act. After properly implementing this, what would be the significant social implication in society due to this act has been interviewed in some relevant cases. The research undertaken on the ramifications of the act indicates that its implementation will yield noteworthy social consequences inside society (Redding 2019). One of the social activists said:

'The Transgender Persons (Protection of Rights) Act of 2018 in Pakistan is a milestone legislation prioritizing the defense and enhancement of transgender people's rights. This activity has advantages and disadvantages, in my opinion. The social implications include securing transgender people's access to basic rights like obtaining gender identity, acceptance, and provision of healthcare and education, as well as equal rights as citizens. In addition to protecting against abuse and discrimination, it creates a legal framework for accepting gender identity. The fact that there is still potential for

improvement in terms of execution and addressing the challenges faced by the transgender population is one negative.'

When we narrow down the significant social implications of this act in society, various development was seen. In this regard, one of the religious scholars and senator responded:

'I think, after analysis and discussion of this act with Ulemas and Islamic Scholars, we have concluded that the act has numerous flaws which are completely un-Islamic and anti-Muslim-culture. This act has a fundamental problem in its definitional clause. It will destroy our socio-cultural and religious fabric and order. However, we are not against transgender or inter-sex rights, but the sections and provisions used in this act are unethical and controversial. On the one side, it will disturb the gender order and its related roles, status, rights and obligations. Nevertheless, we favour transgender persons, those born or biological in this condition, not those who change their gender or biological organs due to their psychological condition or internal desires. It creates a situation of gender dysphoria. It is a threat to Pakistani culture. Thus, we are not against this act completely. We want some changes and amendments in this act.'

The social implication of this act was analyzed. However, this act was passed in 2018. It has been five years now. In this regard, one of the transgender persons was interviewed while doing (FGD) and responded:

'Thanks, almighty, the law for us has been passed. There have been decades we have been ignored and marginalized. We have good hope for this government. However, in our community, 95% of Trans are illiterate; they don't know about any act. They even don't know about their basic rights. However, if I talk about this act, some implications was seen only in the media, not on the ground. In this act, we can obtain a national identity card on our self-perceived gender. In various cities, our community faces rejection and has been sidelined.'

At the same time, Transgender- Guro got vexed and expressed:

'To be honest, we don't see any development for our community before and after this act. Government is not serious about the rights and issues of our community. We are not the government's priority; we die or live.'

If someone wants to know about this act's natural and on-ground social implications, one must ask the individuals to whom this act belongs. While doing a focus group discussion (FGD), one of the transgender said:

'We fear changing our National identity card from male to transgender; even if we are Trans, we feel fear from society. Similarly, when we change our national identity card, we will face obstacles in doing

religious practices like Umra, Hajj and many more. Our right to do hajj and Umra will be snatched if we obtain a Trans national identity card.'

The social implication of this act was measured and researcher has realized that there are myriad ramifications of this act as various respondents have said. This act directly hit the socio-cultural practices and its related social acceptance in society. This act is actually based on fundamental rights of transgender; so this act directly ameliorate gender related laws. It prohibits the discriminatory attitude towards transgender persons.

6.5.4. Healthcare and Services

They evaluated the availability and accessibility of healthcare services for transgender persons in Pakistan. Analyzing the utilization of health facilities and accessibility and support services by the transgender community before and after this act. The research conducted in Pakistan regarding the availability and accessibility of healthcare services for transgender individuals demonstrated that the enactment of the legislation had a beneficial effect on the utilization of healthcare facilities, as well as the accessibility and provision of support services for the transgender community. Prior to the implementation of the act, transgender individuals encountered many obstacles while attempting to avail healthcare services. These barriers encompassed discriminatory practices, stigmatization, and a dearth of awareness among healthcare practitioners. Subsequent to the enactment of the aforementioned legislation, the

investigation revealed a notable surge in the utilisation of healthcare establishments among transgender individuals, alongside a corresponding rise in the accessibility of ancillary services, including counselling and mental health assistance. This study underscores the need of implementing policies that facilitate equitable access to healthcare services for marginalized populations, while also underscoring the ongoing necessity of addressing prejudice and stigma within healthcare environments. In general, the results of this study indicate that the enactment of this legislation can provide favourable outcomes in terms of enhancing the availability and accessibility of healthcare services for transgender individuals in Pakistan (Redding 2019). The researcher interviewed a social activist who said:

'As we know that transgender persons are considered a second-class citizens. Even when one of the trans gets ill or sick, most doctors are not ready to check them up. There are many cases in which trans people die due to delay treatment and first aid. Their identity as trans takes their lives. In most cases, trans individuals are allowed to enter the hospital, especially private hospitals. They are considered taboo. Despite all this, religious fanatics and conservatives are making this act controversial. This act provides equal rights to transgender persons as all citizens of Pakistan have. The unfortunate situation is that no one is seriously ready to analysis and ponder over this act, what is the importance of this act for this community who have been subjugated and marginalized

from fundamental rights. This act revolves around basic rights. This act eradicates the prejudices and stereotypes against transgender persons and creates a space for this community to utilize basic rights like health, education and job accessibility and availability.'

The most necessary thing for a human is health and social service. Therefore, the question was asked to transgender community representatives about social services and the availability of healthcare by using the implication of this act. While doing FGD, one of the transgender people responded:

'We are considered alien. We are badly treated in the health sector. No one would be ready to treat us whenever we get ill. There is no chance before or after this act. We cannot see any changes in society after this act. Things and attitude of people are same.'

At the same time, while making conversation with the transgender community, retired transgender expressed their opinion regarding social services and health facilities; she said:

'It will take time to change the behaviour and attitude of people. Government can play a vital role in changing the attitude and behaviour of individuals regarding us by giving us identity in the public sphere. There are many privates and government health sectors. Each sector has its own rule and regulations. In this regard, the government

ensures the quota and concession for our community. All in all, this is just an act which itself is in the state of ambiguity.'

Access to health and social support is the fundamental right and demand of any human being. How this act can effectively address the matter of fundamental rights like health and social support systems depends upon the seriousness and maturity of politicians, religious scholars, lawyers and social activists. However, some religious scholars and legislators expressed that this act would disturb the health services and prompt the culture of biological surgeries. In this regard, the researcher interviewed a minister of religious affairs and inter-faith harmony:

'Although I, and our party, have no issue with any act or law for Transgender persons, we have only objections on some of the provisions which are completely against Islam and our culture. We have objections to provision 3rd and section 1 and sub-section 3rd under the theme of 'recognition of the identity of transgender person' in which the term used is self-perceived gender. After this act, one can change their gender per their self-perceived feelings, emotions or psychological disorder. It is pathetic for society and its structure. It creates a culture of gender confusion that prompts medical surgeries, organ changes, and many more. It will disturb all previous gender

order, family, and health-related practices. However, we favour providing health facilities and social support system. For that purpose, we are working on it, but first, we have an identity who are inter-sex and transgender person, and eunuch. These gender-related identities should not be mixed and confused for masses.'

6.5.5. Cultural Attitudes and Beliefs

This study tried to examine the cultural attitudes, beliefs, and perceptions towards transgender persons in Pakistan. Analyzing the impact of cultural norms and traditions on the social acceptance and inclusion of transgender individuals. In this regard, the minister of religious affairs and inter-faith harmony was interviewed and said:

'As we know, this act has many unethical clauses and sections which not only create hurdles in the implementation but also create an environment of confusion and distortion of transgender rights. In this way, it disturbs and manipulates the minds and sentiments of naïve people and transgender people, which affects the norms, values, attitudes and behaviour of people in society. The debate on gender definition and characteristics would emerge in society, which fabricate a culture of gender dysphoria. The cultural norms and values of the secular, liberal and European world would be taught, creating a threat to social order and cultural fabric.'

Whereas in this regard, the researcher interviewed a senator who was behind making in this act and said:

'This act is a historic breakthrough in the constitutional history of Pakistan. This act addresses the rights of marginalized and neglected communities. In this act, the transgender person's identity and acceptance have been mentioned. There is not a direct attack on any culture, belief and values. I don't know why these fanatic and extremist elements misguide and propagate negativity against minority-related laws. However, this act corrects the socio-cultural practices in society, which are based on prejudices and stereotypes. The one with a different identity; most conservative elements propagate negativity against them. All are human. Our culture, attitude and beliefs should be based on Islamic teachings. We must respect humans. This act is a little effort to create a society which should be designed as a social inclusion and justice provision. All in all, it is the responsibility of the state to work on the attitude, beliefs and values of people in the state. This act, if implemented, would help the state to lessen and address crime, violence, discrimination and harassment against transgender persons, who bring change in society as a whole.'

Similarly, each implemented act somehow changes society and its cultural practices, but it takes time and implementation mechanisms. One of the social activists expressed:

‘Cultural and religious concerns may impact Islamabad, Pakistan's Transgender Persons (Protection of Rights) Act of 2018. Engaging religious leaders and communities in meaningful dialogue is essential to counteract disinformation and increase understanding by proving that transgender rights align with Islamic values and standards. If the Transgender Persons Act of 2018 is put into practice in a manner that goes against religious convictions, particularly Islamic interpretations, it could not be as effective. Some religious leaders and members of the general public could view transgender identities as incompatible with conservative interpretations of Islamic teachings. People may rebel against the law and its safeguards due to this.’

Cultural norms and religious beliefs play effective in the matter of acceptance of anything or rejecting anything. In this regard, while doing Focus Group Discussion (FGD) with transgender persons, one of the transgender people responded:

‘Our cultural norms and values revolve around collectivity, cooperation and collaboration of transgender. However, if we talk about mainstream

cultural norms and values, then sorry to say that mainstream culture would take to change or accept anything regarding gender especially. Changing cultural norms and values demand big planning and engagement of all country institutions.'

6.5.6. Family Support and Dynamics

Investigating the level of support and acceptance transgender persons receive from their families. Analyzing the impact of family dynamics and cultural factors on the well-being and social integration of transgender individuals. In this regard, the researcher interviewed one of the lawyers he responded:

'From early childhood, this section of the population has been abandoned or killed. There are many Trans who feel fear of being killed or abandoned by their family and society. Owing to this, they adopt fake gender identities. Even some of them feel suffocation to perform fake gender identities. After that, they disclose themselves as trans. As a result, they have been marginalized, rejected and abandoned by family and social support systems. Similarly, transgender persons in Pakistani society are referred to as Khawaja Saras and Hijras, and they have long been marginalized and subject to prejudice. They were compelled to establish their groups since they were rejected by society at large. Their marginalization has been influenced by cultural norms and views linked to gender and sexuality. This act addresses these loopholes and

prejudices of society against transgender persons due to their gender identity.'

In the same context, the discussion about family acceptance, social dynamics and cultural practices after and before this act has been discussed and analyzed.

One of the social activists expressed:

'Transgender discrimination in culture and society must be confronted head-on, which calls for a coordinated effort. These efforts may include public education campaigns to promote knowledge and empathy for transgender concerns. Another successful tactic is to converse with religious leaders and persuade them that transgender rights are compatible with Islamic principles. Community-wide grassroots activities are necessary to offer safe conditions and foster acceptance. In the struggle for transgender people's safety and rights, transgender community leaders and organizations are crucial. They serve as role models for self-determination, inspire others, and organize initiatives to increase awareness. Through the supply of resources, the delivery of training, and the involvement of governmental and non-governmental organizations, the positive influence of these community leaders was strengthened.'

However, various religious leaders and scholars oppose this act. The primary stance is that this act will breach our socio-cultural and religious order and

create social confusion in society on a gender level. In this regard, one of the religious scholars and senator responded:

'First, we are not ready to implement this law in any way in our society. It is crystal clear that this law contradicts Islamic teachings on gender identity. This act has pathetic implications; it challenges our religious principles, practices, and teachings and considers it a threat to our culture and traditions. As I mentioned, it contradicts all laws, including family, inheritance, and gender-related legal frameworks. It will prompt homo-sexuality, LGBT and European culture here in Pakistani society. This act is borrowed from European and American culture to attack Muslim culture and tradition. According to some reports, 28,000 people have changed their gender or natural feathers by this act. It affects social order, morality, women's rights, and the dignity of women and intersex persons. Such sort of action only exists in some European countries. More importantly, it ensures the culture and mentality of gender dysphoria. In all spheres, this act has major and catastrophic ramifications.'

As we can see, no trans is living with their family. The Family has disowned them from all their association and rights. They have no inheritance rights, marriage, or participation in family rituals. In this regard, while conducting a focus group discussion session, one of the transgender persons got emotional and expressed:

'It is unfortunate that our gender, family, and parents disowned us and pushed us behind the black wall of suffering and marginalization of society. We are ignored, stereotyped and labelled due to family rejection. Even our families are not ready to give their name nor allow us to use it on our national identity card.'

However, in this act, the rights of gender identity, inheritance rights, and document rights are mentioned clearly. While doing interviews with the transgender community, Guro of transgender community shared:

'In Pakistan, it is hard to obtain inheritance rights for a binary gender especially. Inheritance rights for transgender persons are a far cry. We want identity, nothing else.'

6.5.7. Religious Perspectives

According to this act, the religious sphere, religious matter and implications are discussed and analyzed. This study examined the influence of religious beliefs and interpretations on the acceptance and treatment of transgender individuals in Pakistani society. Analyzing the engagement of religious leaders and institutions in promoting transgender rights and challenging discriminatory practices. In this context, one of the religious scholars, leader and minister of religious affairs was interviewed and responded:

'This act was passed in 2018 by liberals and seculars of Pakistan. In this act, there are 21 articles and 7th chapters. I came to be familiar when the upper house passed it. However, we, the MMA party, have limited seats. Due to that, our voice is not considered as effective. Right now, if I talk about this act, I will consider it an un-Islamic act. There are various sections of this act that conflict with Islamic code of conduct and Sharia law that need to be addressed before implementation. Moreover, this act ignores Islamic teachings. There is no discussion and preaching of self-perceived gender identity in Islam. This act violates the very fundamental teaching and preaching of Islamic religious belief. It is an Islamic state. Each and everything should be in the context of Islamic practices and principles. However, there is detailed information and instruction in Islam.

While doing a focus group discussion (FGD) on the matter of religious factors, hurdles and perspective in this regard, one of the transgender persons said:

'We are a religious people. We perform all religious rituals. Even some transgender persons have sacrificed their gender identity due to religious status. Because, still, our society is not ready to accept or allow transgender persons to perform Islamic rituals like Hajj, Umra, Prayers and Eid rituals.'

Religious interpretation of this act plays a vital role in the successful implementation of this act; otherwise, there would be little room for social and cultural acceptance of the transgender person act of 2018. One of the most prominent religious senators about this act was interviewed, and he responded:

'First and foremost, religious and scholar sections have completely rejected this act. As we know, we live in Pakistan, and Pakistan is an Islamic country. This act directly attacks our civilization, culture and Islamic teachings. It cannot be implemented in this way. The successful implementation is only possible if we make some amendments and improve the language of this act according to Sharia law and Islamic preaching. Then it would be possible to implement this act systematically. Otherwise, this act would be a document just. However, I have submitted an amendment bill against this act in which things and provisions are mentioned.'

On the other place, the researcher asked the Senator whose background was a religious party about the rights of Transgender persons; he responded:

"As we advocate for human rights based on the Islamic perspective, our many motives is that the government of Pakistan should guarantee the rights of the citizen of Pakistan, whether they belong to binary or non-binary gender identity. We are in favour of the provision of equal rights and justice to all citizens irrespectively. But in this act, so-called secular

and Europe- based and backed individuals or legislators violate the Islamic teachings and principles which threaten society's socio-cultural and religious setup practices. In this act, the issue of transgender persons is manipulated and misinterpreted. The actual definition and identity of intersex are distorted in this act, which is unacceptable for a Muslim. This act directly hits the Islamic preaching and Sharia law.'

6.5.8. Identity-related Documents

The application of rules governing identity cards, driving licenses, and passports for transgender people is the subject of this discussion. Some respondents support a definition of transgender that is decided by a medical authority and based on biological traits rather than self-perceived gender identity. One of the social activists said:

'Well, this act gives transgender persons social identity and space to participate and interact in society with people in the shape of acquiring jobs, health services, education and so on. First and foremost, for a human, their identity is more important. Through this act, transgender people can get deriving licenses, national identity cards, passports, and health cards. Moreover, I feel obligated to state that Pakistan's Transgender Persons Act of 2018 represents a significant advance in protecting the rights of transgender people. The Act focuses primarily on passports and other official forms of identification. On government-

issued identification documents such as birth certificates, passports, and driver's licenses, the Act guarantees transgender people the freedom to identify as they choose. The Act mandates the establishment of a National Council for Transgender Persons to ensure that transgender individuals have equal access to government services such as education, healthcare, and employment. Despite these positive developments, transgender individuals continue to confront numerous obstacles in Pakistan. Transgender individuals continue to confront pervasive discrimination and violence and substantial obstacles to accessing healthcare, education, and employment.'

Identity documentation-related matters are the main things which need to be discussed and uncovered by analyzing this act. Therefore, the Member of the National Assembly (MNA) and religious leader was interviewed said:

'However, we favour the documentation processes and rights-related identification mechanism, but the question is based on what one can define or say him or herself as a trans. If the identity is based on the given provision of this act, then we have a problem with the definitional section of this act. The transgender person definition would be based on biological features and defined by the medical board. We will not accept any self-perceived gender identity definition. Based on their biological organs and feature, individual gender should be defined and given identity documents.'

At the same time, the stance and opinion of a lawyer have been taken in this regard. He responded:

‘As we know, twenty-one provisions in the Transgender person act of 2018, from gender identity and socio-political, economic and cultural rights to state and its institution's obligations, are included and mentioned. However, as I said before, if this act is implemented on the ground, it will ensure the rights of transgender at all levels, from education and health provision to job quotas. They are human and deserve to live in a country that claims to be a democratic and republic state. There should be equality, equity and social inclusion in society for all. However, if we talk about the provision related to identity documents and passport, then provision number three indicate the identity documents and their related procedure based on the recognition of the identity of transgender persons. The sub-section (1) of the provision of three specifies the documentation of identity, either CNIC, CRC, driving licence or passport; all are mentioned in principle and rules of the NADRA ordinance, 2002. The specification added in this act is the self-perceived gender identity of gender, and based on that, all the documentation process would be pursued. They can register themselves with government departments. But age above eighteen is the main thing which is inevitable for obtaining these documents.’

6.5.9. Legal Framework for Addressing Violence and Discrimination:

This issue investigates the relationship between the Transgender Persons Act and the current legal system in Pakistan for preventing prejudice and violence against transgender individuals. It argues that the legal framework should be founded on religious doctrine and cultural paradigms, notably Sharia law. It makes the case that the Act may not sufficiently handle prejudice and violence.

In this regard, one of the lawyers responded:

'I can confidently state that Pakistan's Transgender Person's Act 2018 is a major step on the right path toward putting an end to prejudice and violence towards transgender people. I say this as a legal expert. Laws ensure the right to legal safeguards and the absence of discrimination against transgender people based on gender identity. It is against the law to discriminate against someone based on how they identify as a person's gender in various social settings, including workplaces, healthcare settings, and public areas. The law allows for establishing transgender-specific courts with jurisdiction over transgender-related cases. Additionally, transgender people have the right to protection against abuse, exploitation, discrimination, and harassment. It requires the establishment of a National Transgender Council to guarantee further that transgender people are completely assimilated into society. Before transgender persons in Pakistan are free from abuse and discrimination, a considerable way still needs to be walked. Many

transgender people still struggle to get necessities like medical treatment, an education, or a job because of the pervasive violence against them. The Transgender Protection (Protection of Rights) Act 2018, which aims to make Pakistan a more tolerant place for transgender people, needs to be strictly enforced in my professional view as a lawyer. We must contribute to this endeavour by raising public awareness of the rights and concerns of transgender people to lessen prejudice and violence against them.'

Another place one of the social activists shared his opinion about this act and its provision about violence and discrimination against transgender people; he said:

'Before this act, there were minimal laws or legislations about transgender person's rights. Even since its inception, many trans, women and third gender were killed, harassed and raped due to insufficiency of laws, sanctions and legislation. This act directly affects the provision, recognition and acceptance of transgender rights, from giving identity rights to awareness related to trans people and their lifestyles in the country. This act would stop discrimination against trans people in society.'

The violence and discrimination against individuals are unethical, sinful, and unlawful. No one has the right to discriminate or violate anyone's rights. For this purpose, the religious scholar responded:

‘I believe we all are human and come to this world for a purpose mentioned in Quran and Sunnah. Similarly, we all are human and deserve justice, equality and safety. Transgender people deserve respect, care, equal rights and justice. We are sorry that our government has not been serious about this section of society. Due to this, this community has suffered and is suffering. As we know, there is zero legislation about transgender persons, Kunsu, and inter-sex person rights. I believe, due to our confusion and misinformation about intersex, we never take it seriously about the rights of this community. However, our religion and its preaching strongly negate and oppose any violation, subjugation or marginalization of anyone. Inter-sex are human. But owing to creating confusion by European-backed NGOs, seculars and so-called liberals, the things and rights related to inter-sex get perplexed and stuck off. All in all, if I talk about this act, this is useless and just a threat for naïve and uneducated transgender people in specific and society in general.’

6.5.10. Government obligation and responsibility

According to the transgender person act of 2018, the obligations and responsibilities of the government have been analyzed and asked of legislators, lawyers, religious scholars and social activists. For this purpose, one of the religious scholars and senators responded:

‘No doubt, our party Jumat e Islami is collaborating with the government on each socio-cultural and religious issue and matter. However, I engaged and advocated for transgender rights before this act in my constituency. However, we need the government's support to make Pakistan a livable country for all individuals regardless of race, gender, caste and religion, but as per Islamic teachings. I took the matter of the transgender act and its related legislation seriously. Various legislators are not serious about any legislation process, instead of members of the country's upper house. I believe each, and everything is possible and addressed through Sharia law and Islamic teachings, whether it is gender discussion or political debates. Issues related to transgender or intersex was solved and addressed properly through Islamic teachings and scriptures. Our party would be with the government if it follows and practices Islamic legal framework.’

The government's responsibility in this regard is inevitable to address and solve the matter, and legislators pass a law; if there is no issue of challenges, the government must ensure the implementation process. Or if there is an issue or

flaws in the law, then government institutions must intervene to ameliorate society to ensure the religious and cultural practices and setup. For this purpose, the Minister of religious affairs responded:

‘As we know that our neighbour country India also passed a similar sort of law for transgender person rights, but they added the condition of the medical board or medical team for transgender person’s recognition and identification. Unfortunately, in our country, things are complicated and controversial due to legislators’ unserious attitudes and behaviour. Like this act, the rights of transgender persons have made complicated due to pathetic acts with unethical provisions. We know that transgender persons are in miserable condition and marginalized, but it does not mean to sabotage the norms, values and beliefs of the society by passing such sort of act. We are working for transgender persons rights by amending this act. Removing those clauses would be helpful in this regard. I think government should be serious for this purpose helping to recognition and identify the real issue of transgender. We and our religion is against Homo sexual practices or LGBT-type things in our society.’

However the act was passed on 11 may 2018, but it is still not implemented on ground. More importantly, despite having responsibility and obligation, government is doing nothing, just controversies. For this purpose, the lawyer was interviewed who has been following this act from early. He responded:

'I must emphasize as a lawyer that Pakistan's Transgender Persons (Protection of Rights) Act of 2018 requires the state to respect the rights of transgender individuals. The Act upholds transgender people's right to determine their gender identity and safeguards them against discrimination, harassment, and violence. According to this law, the government must establish shelters for transgender individuals to protect them, help them recover, and give them access to healthcare, counselling, and adult education. Additionally, we must build separate prisons and jails, encourage corporate help, routinely enhance public employee awareness and education, and more. All these points are mentioned in chapter four of this act.'

6.5.11. Balancing Rights and Religious or Cultural Values:

The necessity of striking a balance between support for transgender rights and observance of cultural and religious standards in Pakistan is explored. As in nearby countries like India, cooperation between the state, religious leaders, and politics appears necessary to maintain this delicate balance. In this regard, the researcher interviewed a social activist. She said:

'However, since the emergence of British colonialism in South Asia, the definition and identity of transgender have been distorted and degraded. Before the colonization of South Asia, transgender persons lived and had a respective place in society. The definition of transgender persons and their identity is distorted; as a result, the norms and values have

been changed due to British intervention in cultural practices. From where, transgender persons have been considered as a taboo, alien and third level of human. Therefore, this act is unique and new for those who have been taught, socialized and preached from, by and through colonial literature and texture which effected the socio-political and cultural landscapes of Pakistani society. Therefore, most of extremist and radicalized Pakistani think that transgender persons are the third level of human and alien gender as compared to the two genders. Last but not least, in this regard, the Council of Islamic Ideology plays a vital role in implementing this act. Because naïve and uneducated masses believe and accept the things or laws as instructed by Islamic leaders and religious bodies.'

On the other place, in this context, the senator and religious scholar was interviewed; he shared:

'As we know, this act's provision is borrowed from and imposed by the European world. American and European organizations sponsor these so-called liberals and seculars. It is a direct attack on our religious and cultural practices. It will distract our social practices; I want to say that inter-sex rights and government obligations should be based on and derived from The Quran and Sunnah. Either this act should be amended or passed my bill as I put into court. There are various issues with this act. Firstly, the definition section contradicts with Islamic teachings on

gender identity which is serious concern for all of use. Secondly, self-perceived gender identity is a real threat for our social structure. Thirdly, if these 1, 2, 3 sections of this act get implemented, it will disturb the family and inheritance laws in society which is mentioned in section 7th about inheritance rights. It will also contradict with women rights and status if after this act people are allowed to change their gender. It is a completely a liberal agenda which are sponsored and backed by World bank, IMF, WHO, LGBT run organizations. These all European societies are facing family break down due to all these practices. Now they are imposing their cultural and secular practices on use, which is not acceptable.'

This is a legislative process to pass a law to address the societal issue and injustice. To address this matter under the framework of legal proceedings, an Islamabad-based lawyer was interviewed; he shared:

'Having spent time as a lawyer in Islamabad, Pakistan, I want to relate to the cultural and religious influences on the Transgender Protection Act of 2018. Transgender persons in Pakistan have historically faced discrimination and isolation due to cultural and religious standards. Some transgender people in Pakistan use a religiously and culturally loaded term: hijras. Some parts of South Asia have acknowledged Hijras as the third gender for a long time despite widespread discrimination and violence towards them. Although a significant improvement was

made with the passage of the Transgender Persons Act of 2018, its implementation has been sluggish and patchy. It is more challenging for transgender people to access the legal protection and services they are entitled to because of the discrimination and violence they suffer based on cultural and religious beliefs. As a lawyer and social activist, I think the Pakistani government must collaborate with religious and cultural leaders to make the country more accepting of transgender people. This includes educating the public about transgender rights and issues and working to eliminate the conditions that foster discrimination against transgender persons. Then and only then can we take action to promote transgender equality in Islamabad and throughout Pakistan.'

6.5.12. Challenges in Implementation:

This theme emphasizes the difficulties in implementing the Act. It asserts that the Act's allegedly unscrupulous provisions significantly hinder its successful implementation. Through the lens of Quranic verses, Sharia law, and the Council of Islamic Ideology, it is suggested that addressing these challenges requires the participation of all parties, including the transgender community, religious leaders, and the legislative body. Conservative and religious organizations are concerned that the Transgender Persons Act conflicts with their cultural and religious values. The analysis also emphasizes the desire for amendments rather than outright rejection and the implementation difficulties.

For this purpose, religious scholars and the Minister of religious affairs were interviewed, who said:

'As I said, this act is a challenge for transgender persons. There is manipulation and subjugation of transgender rights and identity. This act would sabotage the rights of transgender persons and the responsibility and obligation of the state. The major gap in this act is that while passing this act, religious and intellectual sections of the country were not taken on board, which has created challenges for all sections of society, from socio-political and cultural sides to legal and administrative sections. These challenges was addressed through proper channels like amending the act at religious and intellectual level to ensure the implementation. As examples of legal frameworks and laws related to transgender people from neighbouring and Muslim countries, we can amend and practice the legal proceeding and implementation better.'

Moreover, as we know, the implementation process would take time. Any legislation in this country due to its enforcement mechanism and outdated practice create hurdles on the way to implementation; however, this act has been made controversial and complex owing to various objections from various school of thought. Senator, a religious scholar, was interviewed:

'As I mentioned, this act is itself a flaw; not only is it unethical and immoral law, but it is also against the legal framework of the Pakistani Constitution of Pakistan 1973. There are numerous challenges and hindrances before this law. Firstly, the major challenge is his language and European-based definition, which is difficult for layman Pakistani to understand. No educated and sincere Pakistani is ready to accept this act. There is inadequate understanding and sense of this act for transgender persons itself. They are unaware of any act. Second, religious and scholarly groups vehemently oppose this act. As we know, we reside in Pakistan, an Islamic nation. This conduct constitutes a direct assault on our civilization, culture, and Islamic principles. This cannot be carried out in this manner. Successful implementation is only feasible if we modify and enhance the language of this act following Sharia law and Islamic doctrine. Then this act could be implemented systematically. If not, this act would be a just document. Nonetheless, I have introduced a measure to amend this statute with specific provisions and items listed.'

However, there were various challenges and hurdles before implementing this act, including religious parties, rightist groups and, more importantly, a lack of enforcement mechanisms. Moreover, the uneducated masses are also significant challenges. For this purpose, a lawyer was interviewed:

'The transgender person's act of 2018 is based on fundamental rights as per the constitution, nothing more. Still, many conservatives and extremists have issues with this act. It is a pitiful situation; however, nothing wrong is mentioned in this act. Nevertheless, if I talk about gaps, I think there is problem with terminologies and definitional clauses, which is a gap. Many layman, uneducated masses are unfamiliar with these terminologies. At the same time, there is a loophole in campaigning, propagation and mind-making regarding this act. This thing not only creates challenges in the process of implementation and acceptance of the act, but it also leads to controversies and complexities. I think the government should make the team, committee and campaigning session about this act awareness and implementation at provincial levels. Media is very effective in spreading the information and knowledge related to this act. Improving the situation for transgender persons is only possible when the federal government take it seriously. Passing an act is not only sufficient or enough. It requires a mechanism to implement the act. As I said before, in this regard, the implementation or acceptance of this act also depends upon the country's religious bodies, religious leaders and council of Islamic Council of Pakistan. The major gap and challenges I perceived are only and solely religious extremists, religious parties and leaders under the framework of the Council of Islamic Ideology of Pakistan.

Council of Islamic ideology makes things, laws, and acts related to gender, minority community and transgender person controversies and complexities.'

6.5.13. Future of Transgender Person Rights in Pakistan:

This theme looks at the prospects for transgender rights in Pakistan and the contribution that laws and policies make to advancing transgender equality and inclusion. It implies that although transgender people have a right to social acceptance and human rights protections, their needs and identification must adhere to Islamic standards and Sharia law. It asks for legislation and policy to be controlled by Islamic principles to overcome the difficulties and conflicts surrounding transgender rights. These topics cover a range of concerns about the Transgender Persons Act's potential effects on attitudes and behaviours, discussions about identity documents and passports, the connection between the act and the legal framework for combating discrimination and violence, difficulties with implementation, and the future of transgender rights in Pakistan. One of the lawyer said:

'I think, there is a change occurring in Pakistani society in the shape of acceptance, flexibility, inclusiveness and adaptability, which not only prompt a cultural of diversity and social inclusiveness. However, one can see the extremist and radicalized elements in society which not only create a threat to transgender persons but also supports violence against minority, marginalized communities and women. The issue is

not only a transgender person's identity, actually the problem lies under the extremist mindsets. Moreover, there are some elements who belong to rightest and religious extremist who use third gender agenda as a political motive. There is nothing wrong about transgender person's act. It is all about the fundamental rights of human insultingly trans people as per Islamic scripture and constitutional framework.'

The future of the transgender persons in a country which is made in the name of Islam and called itself as an Islamic republic of Pakistan. Owing to socio-cultural barrier since inception, all the institutions, laws, socio-cultural practices, public and private spheres are shaped on binary gender identity. Now there is a debate and a law has been passed on the rights of transgender. What is the future of transgender persons in Pakistan? A minister of religious affairs and inter-faith harmony, religious scholar was interviewed:

'I think transgender persons (Khawaja Saras) are human. They also deserve human rights provision and acceptance in society. The future of transgender rights in Pakistan is critical due to misinterpretation and manipulation of their rights and demand. They are at miserable situation owing to all of this. On the one side, our secular and liberal section is busy to cash and exploit the agenda of transgender to justify their maligned activities under the umbrella of human rights. The future of transgender people was saved if their demands, identity spectrum and gender-related principled are shaped and constructed according to

Islamic scripture and texture. Islam is a complete code of life. Rights, responsibilities, roles and status and obligations have mentioned in our Sharia law. If our legislator bodies, human rights activists and lawyers from provincial to federal levels follow the instructions and principles of the Islam and Sharia laws, then all problems, complexities and controversies related to transgender persons would be solved, and rights related to transgender persons will be provided timely.'

Moreover, the future of transgender persons, their rights and societal response will depend upon the government's obligation and responsibility to take this seriously. A senator and religious party leader were interviewed:

'I think the future of transgender can only be secured if the laws are made according to Islam and this act should be amended per Sharia law. However, sociocultural inclusion is only possible when we make laws based on our cultural and religious practices, not copied from outside our culture. I think for this matter, government before doing such sort of legislation must concern with religious scholars, leaders, medical experts and specialists, social scientists, legal experts and human rights activist on the board.'

Chapter No. 7

Discussion and Conclusion

7.1. Discussion

In this research, the researcher tried to study to address and highlight the social implications of the Transgender Persons (Protection of Rights) Act in Pakistan 2018. During data collection, it was observed that this act has various consequences if implemented. Owing to this act, the debate of transgender person's rights and the government's obligation occurs after this (Redding 2019). The research aimed to determine and analyse how transgender persons, legislators, lawyers, religious scholars, social activists and transgender communities felt about the 2018 Transgender Persons (Protection of Rights) Act. The study focused on the implications of the topic's critical indicators while examining the studied area's sociocultural and legal background. In this part, the study's findings are discussed. The discussion is organized following the themes that emerged from the focus groups and interviews. In this regard, the propositions from the theoretical framework are used. The principles of theories of Gender order and Intersectionality were used as a spectrum to derive research questions for data collection and themes for data analysis. The principles of intersectionality revolve around the relevancy of things, gender, race, ethnicity and caste. The rights and provision of justice for any group should be provided equally irrespectively (Rupp and Freeman 2014). Respondents emphasized the significance of the Transgender Persons (Protection of Rights) Act of 2018 being fully implemented. The act

acknowledges and defends the rights of transgender persons, including their ability to express their gender identification and equal access to education and governmental jobs. The respondents did draw attention to the challenges transgender persons face in trying to exercise these rights. Because law enforcement and the general population lack information and compassion, discrimination and harassment against transgender persons are frequent. To protect the rights of transgender individuals, the Act must be implemented appropriately.

In this research, the researcher realized a gap between the transgender community and the government, state institutions, and legislative bodies. The transgender community has been sidelined due to miscommunication and misunderstanding of governmental institutions. Moreover, it has been noticed that there is a large population who still do not know about this act.

The respondents emphasized the importance of changing how the public views transgender persons—people who identify as Trans experience social exclusion and marginalization due to a lack of acceptance and inclusivity. To promote tolerance and diversity in society, respondents underlined the importance of public awareness, media campaigning, and sensitivity program (Hali, Iqbal and Ali 2018). Programs like these can help create a more tolerant society that values and accepts transgender persons for who they are. The interviewees underlined their challenges in finding suitable jobs and getting medical treatment. Lack of knowledge and compassion on the part of healthcare

professionals frequently leads to discrimination and stigmatization of transgender people. Similarly, due to discrimination in the workplace and limited career opportunities, transgender persons are overrepresented in poverty. Respondents emphasized the significance of laws and policies to ensure transgender people's access to employment and healthcare. Most respondents stressed the importance of society accepting transgender individuals as a third gender.

The comments emphasized how the Transgender Persons (Protection of Rights) Act 2018 affected transgender people's legal status and rights. The Act establishes the rights of transgender people, including the right to self-identification, education, and work, to be recognized legally. The importance of the act's effective implementation and enforcement in defending the rights of transgender individuals was stressed by respondents. The absence of legal acknowledgement of a person's gender identity is one of the legal challenges that transgender people must overcome, according to respondents, who emphasized the necessity for legislative changes to address this issue. The responses stressed the importance of successfully putting the Transgender Persons (Protection of Rights) Act of 2018 into practice. The right to self-identification, education, and work are the rights the law recognizes and defends for transgender people (Senate 2018). Respondents stressed that the act's implementation has been challenging and that transgender individuals still experience societal prejudice and marginalisation. Transgender people

frequently experience harassment and discrimination due to the lack of understanding and compassion displayed by law enforcement and society. If the rights of transgender persons are to be upheld, the law must be faithfully executed. All respondents believed it is critical to change how the general public views transgender people.

People who identify as transgender frequently find themselves outside looking in because of a general lack of acceptance and tolerance (Thilakan 2020). Respondents emphasized the significance of sensitivity programs and public education to foster tolerance and diversity. Such a program could pave the way for a more accepting society that accepts and values transgender people for who they are. The respondents also emphasized how crucial it is for the media to take a more positive approach to raising transgender knowledge and acceptance.

The participants expressed worries about the availability of career possibilities and medical care. Healthcare professionals' ignorance and lack of empathy frequently cause transgender people to be discriminated against and stigmatized. Similarly, transgender people experience discrimination in the workplace and have a more challenging time holding a job. The respondents underlined the significance of legislation and regulations to guarantee transgender people have equal access to healthcare and the job market.

The Transgender Persons (Protection of Rights) Act of 2018's effects on transgender people's rights and legal standing were the main subjects of conversation among respondents. The law protects the rights to self-identification, education, and employment for transgender persons. Respondents stressed the significance of the legislation being successfully implemented and enforced to defend the rights of transgender people. Respondents also emphasized the importance of adopting legal changes to recognize transgender people's gender identity and get rid of other legal barriers they face.

Due to the overlap of their identities, the study concluded that transgender people experience a variety of kinds of discrimination and marginalization. Members of underrepresented groups, such as certain racial or religious groups, who identify as transgender may experience more hostility and marginalization. Respondents emphasized the significance of policies and initiatives that include transgender people in their concept of "vulnerable populations."

The Transgender Persons (Protection of Rights) Act of 2018 must be implemented entirely, the report continues, to better protect the rights of transgender individuals. The study emphasizes the necessity for regulations and initiatives that try to lessen the financial difficulties that transgender persons encounter and the significance of changing how society views transgender people. The legal standing and rights of transgender individuals are examined, and any proposed legislative changes to safeguard these rights are explored.

The study's findings emphasize the importance of involving Tran people in initiatives and regulations that focus on the everyday struggles of marginalized groups. The knowledge gained from this study was used to support and improve transgender people's lives in Pakistan through campaigning and further research.

The study's findings, which demonstrated how challenging it is for transgender individuals to exercise their legal rights, highlighted the necessity of adequately enforcing the Transgender Persons (Protection of Rights) Act 2018. The study emphasized the need for policies and initiatives that address the social and economic issues transgender individuals experience and the need for a shift in how society views transgender people. The paper also discussed how the act affects transgender people's legal standing and rights and how laws must be modified to protect them. More research and lobbying efforts were made to safeguard and enhance the lives of transgender individuals in Pakistan due to the study's findings.

7.2. Conclusion

In this research, the social implication of the Transgender Persons Protection of Rights Act of 2018 was studied and analyzed. The ramifications of the act on Pakistani society were explored and uncovered by interviewing the main stakeholders and analyzing the relevant literature. The socio-cultural implications of the Transgender Persons (Protection of Rights) Act of 2018 in

Pakistani society were studied, and data were collected in this regard. Pakistan, being a developing state, has been facing many socio-cultural-related issues. Gender-based violence is a socio-cultural issue. Especially the third-gender community is the worst victim of this problem; they don't even have fundamental rights, per the Human Rights Report (2018). The theoretical framework of the gender order, its propositions, inter-sectionality theory, its assumptions, queer theory, its assumptions, and social identity theory and its recommendations were engaged as per guidelines and roadmap. Various arguments of gender order theory relate to the situation and relevance of transgender people. As the researcher noted, it is all about gender identity, and all things and implications are related to the provisions of gender identity. However, the researcher used three major theories to derive area-related propositions, principles, and assumptions to comprehend the problem comprehensively. Moreover, qualitative research design, in-depth interviews, and focus group discussions were used to collect data. After doing this research, the researcher found that various elements had caused controversy due to the language and terminology of this act. Similarly, after doing this research, the researcher also found flaws in the language of this act and its Urdu translation, as per the data observed and analyzed. For the transgender community, one can see division and misunderstanding about this act due to the language barrier. However, this act is only about the fundamental rights of transgender people and government obligations towards this matter. The essential points mentioned

in this act are providing education and ensuring health facilities and job quotas. In this research, the social implication of this act has been discussed, and data was collected from legislators, lawyers, social activists, religious scholars, and the transgender community to reach the saturation point. What the researcher found was shocking. There is a misunderstanding about this act. Various legislators who voted in favour of or against this act are unhappy. Similarly, various religious scholars and legislators are campaigning against the Transgender Person's Rights Act of 2018 but do not know the basic information about this act. While interacting with the opposing group, the researcher felt miscommunication and misunderstanding about transgender persons rights, their identity, and, more importantly, the Transgender Persons Protection of Rights Act of 2018. As a result, this act has caused controversy.

7.3. Recommendation

Based on the current study's findings, the researcher recommends the following main areas of exploration for future researchers.

- While doing legislation, all stakeholders should be taken on board.
- After passing the bill, it is the government's and its institutions' responsibility to implement the law in all ways.
- Government should engage the media to make the mind of laymen and uneducated masses for acceptance and social inclusion before passing any act, bill or law.

- Taking all four provinces to implement this act would be productive for positive implications of this act.
- First government should lessen the legislative powers of the council of Islamic ideology and federal Shari Law, which interfere without understanding legislative practices and framework.
- Transgender persons should be given the fundamental right to gender identity.

Bibliography

Abu-Lughod, Lila. 2002. "Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others." *American Anthropologist* 104(3): 783-790.

<https://www.asanet.org/sites/default/files/asa/docs/pdf/2021-02/Abu>

Ahmad, Rubina. 2019. "Transgender Politics in Pakistan: Cultural and Social Dimensions." In *Politics, Culture and Identity in South Asia*, edited by Anwar Jafar, 123-139. Routledge.

Ahmed, Ali. 2017. "The Islamic view on transgender people." *The Express Tribune*, August 11. <https://tribune.com.pk/story/1471712/islamic-view-transgender-people/>

Ali, S. 2019. "The Transgender Persons (Protection of Rights) Act 2018: A Critical Analysis." *Journal of Social Sciences and Humanities* 57(2): 115-128.

Ali, S. 2020. "Transgender Persons (Protection of Rights) Act 2018: Progress and Challenges." *Journal of Gender Studies* 29(5): 506-516.

Altaf, Arshad, Muhammad Safdar Kamal Pasha, Ayesha Majeed, Wajid Ali, Ahmed Sabry Alaama, and Muhammad Shahid Jamil. 2022. "Acceptability and Feasibility of HIV Self-testing Among Transgender People in Larkana, Pakistan: Results from A Pilot Project." *PLOS ONE* 17(2):e0264128. doi: 10.1371/journal.pone.0264128.

American Psychiatric Association. 2013. Diagnostic and Statistical Manual of Mental Disorders, 5th edition. American Psychiatric Publishing.

American Psychological Association. 2014. "Transgender People, Gender Identity, and Gender Expression."

American Psychological Association. 2021. "Transgender People, Gender Identity and Gender Expression."

<https://www.apa.org/topics/lgbtq/transgender>

Bari, F. 2019. "Transgender Rights and Citizenship in Pakistan." *Social Text* 37(3): 87-105.

Bauer, G. R., A. I. Scheim, J. Pyne, R. Travers, and R. Hammond. 2017. "Intervenable Factors Associated with Suicide Risk in Transgender Persons: A Respondent-Driven Sampling Study in Ontario, Canada." *BMC Public Health* 17(1): 1-16.

Bockting, W. O., M. H. Miner, R.E.Swinburne Romine, A.Hamilton, and E.Coleman. 2013."Stigma, Mental Health, and Resilience in an Online Sample of the US Transgender Population." *American Journal of Public Health* 103(5): 943-951.

Bockting, W.O.,M.H.Miner,R.E.Swinburne Romine,A.Hamilton,and E.Coleman. 2013."Stigma, Mental Health, and Resilience in an Online

Sample of the US Transgender Population." American journal of public health 103 (5):943-951.

Bockting, Walter O., et al. 2016. "Adult development and quality of life of transgender and gender nonconforming people." Current Opinion in Endocrinology, Diabetes, and Obesity 23(2): 188-197.

Bockting, Walter O., Michael H. Miner, Rachel E. Swinburne Romine, Autumn Hamilton, and Eli Coleman. 2013. "Stigma, Mental Health, and Resilience in an Online Sample of the US Transgender Population." American Journal of Public Health 103(5): 943-951.

<https://www.asanet.org/sites/default/files/asa/docs/pdf/2021>

Bolich, P. D. 2007. "Transgender History and Geography: Cross-dressing in Context." Vol. 3. Lulu. Com.

Chaudhry, M. 2018. "Transgender Persons (Protection of Rights) Act 2018 in Pakistan: A Legislative Review." Harvard Journal of Law and Gender 41(2): 553-576.

Chiang, Howard. 2012. Transgender China. New York, NY: Palgrave Macmillan.

Clements-Nolle, Kristen, Rani Marx, and Mitchell Katz. 2006. "Attempted Suicide Among Transgender Persons." Journal of Homosexuality 51(3):53-69. doi: 10.1300/J082v51n03_04.

Connell, Raewyn W. 2002. Gender. Polity Press.

Constitution of the Islamic Republic of Pakistan 1973. "Transgender Persons (Protection of Rights) Act, 2018, No. XIII."

Dawn. 2018. Transgender Persons (Protection of Rights) Act, 2018. Retrieved from <https://www.dawn.com/news/1438619>

Feinberg, Leslie. 1996. Transgender Warriors: Making History from Joan of Arc to Dennis Rodman. Boston: Beacon Press.

Fernández-Lansac, V., and R.Fernández-Carrión. 2017. "Transgender People: Social and Legal Recognition." *Psicothema* 29(1):9-17.

Foucault, Michel. 1978. *The History of Sexuality: Volume 1: An Introduction*. Vintage. 17

Giametta, Cali, Sarah H. Koller, and Kristin Kimport. 2017. "Health care experiences of transgender people: A systematic review." *Journal of the Association of Nurses in AIDS Care* 28(4): 487-500.

Government of Pakistan. 2018. Transgender Persons (Protection of Rights) Act 2018. Retrieved from <https://www.oecd.org/pakistan/legal-framework-on-transgender-persons-in-pakistan.htm>

Grant, J.M, L.A.Mottet,J.Tanis,J.L.Herman,J.Harrison,and M.Keisling. 2011."National Transgender Discrimination Survey Report on Health and Health Care. "National Center for Transgender Equality.

Guha, Durba. 2004. "Gender and Colonialism: Expansion or Marginalization?" *The Historical Journal* 47(3): 737-755.

Hali, S. M., Awwal, M. J., Iqbal, S., and Ali, S. K. 2018. "Transgender Persons (Protection of Rights) Act, 2018 in Pakistan; Mapping Stakeholder Perceptions for Future Policy Recommendations."

Hasan, M. A., and Khan, S. 2018. "Legal and Social Recognition of Transgender Persons in Pakistan." In *Law, Gender and Sexuality: Contemporary Issues and Future Directions*, edited by S. Dhawan and J. Okubo, 213-226. Routledge.

"Pakistan's Transgender Community: The Hijras." 2016. BBC News, August 20. <https://www.bbc.com/news/world-asia-37029304>.

Hassan, Riffat. 2018. "Transgender Individuals and Islam: A Theological and Pastoral Exploration." *Islam and Christian-Muslim Relations* 29(3): 356-372. <https://www.asanet.org/sites/default/files/asa/docs/pdf/2021>

Herbst, Jeffrey H., Elizabeth D. Jacobs, Teresa J. Finlayson, Vel S. McKleroy, Mary Spink Neumann, and Nicole Crepaz, 2007. "Estimating HIV Prevalence and Risk Behaviors of Transgender Persons in The United States: A Systematic Review." *AIDS and Behavior* 11(1):17-27. doi: 10.1007/s10461-006-9151-1.

Hines, S., and T. Sanger. 2010. "Transgender Identities: Towards a Social Analysis of Gender Diversity. Taylor and Francis."

Horkheimer, M., and T. Adorno. 1944. *Dialectic of Enlightenment*. Stanford University Press.

Human Rights Commission of Pakistan. 2017. "State of Human Rights in Pakistan."

Human Rights Commission of Pakistan. 2021. "The State of Human Rights in Pakistan in 2020." <https://hrcp-web.org/hrcpweb/wp-content/uploads/2021/04/The-State-of-Human-Rights-in-Pakistan-in-2020.pdf>

Human Rights Watch. "We Are the Walking Dead": Killings of Shia Hazara in Balochistan, Pakistan. Retrieved from <https://www.hrw.org/report/2018/06/29/we-are-walking-dead/killings-shia-hazara-balochistan-pakistan>

Human Rights Watch. 2018. "Pakistan: Transgender People Face Violence, Discrimination."

Human Rights Watch. 2020. "The Situation of Transgender Persons in India." <https://www.asanet.org/sites/default/files/asa/docs/pdf/2021>

Hussain, M. 2019. "Transgender Rights in Pakistan: The Struggle for Legal Recognition." *Asian Journal of Law and Society* 6(2): 273-294.

India Today. 2019. "Transgender Persons (Protection of Rights) Act 2019: A step forward or a step back?" August 14.

<https://www.indiatoday.in/india/story/transgender-persons-protection-of-rights-act-2019-a-step-forward-or-a-step-back-1580358-2019-08-14>

Karkazis, Katrina. 2008. *Fixing Sex: Intersex, Medical Authority, and Lived Experience*. Duke University Press.

Kessler, Suzanne J. 1990. "The Medical Construction of Gender: Case Management of Intersexed Infants." *Signs: Journal of Women in Culture and Society* 16(1): 3-26.

Khalid, A. 2019. "From Legal Recognition to Social Acceptance: Transgender Rights and the Law in Pakistan." *Journal of Law and Social Sciences* 2(2): 48-68.

Khalid, M. 2019. "The Challenges of Transgender Rights in Pakistan." *The Diplomat*.

Khan, F. A. 2014. "Khwaja Sira: Transgender Activism and Transnationality in Pakistan." In *South Asia in the World: An Introduction*, edited by M. Juergensmeyer and H. K. Anheier, 180-194. Routledge.

Khan, M. A. 2019. "Transgender Rights in Pakistan: A Legal and Social Analysis." *Pakistan Journal of Gender Studies* 14(1): 73-92.

Khan, Noreen. 2019. "Transgender Identity, Culture and Society in Pakistan." *Journal of Gender Studies* 28(5): 537-549.

<https://www.asanet.org/sites/default/files/asa/docs/pdf/2021>

- Khan, S. 2019. "Transgender Persons Protection of Rights Act 2018 in Pakistan: An Appraisal." *Journal of Gender Studies* 8(1): 59-76.
- Khan, Saad Ali. 2020. "Guru-chela Relationship in Khwajasira Culture of Pakistan: Uncovering the Dynamics of Power and Hegemony Within."
- Khawaja, Maimoona A. 2020. "Transgender People and Their Livelihoods in Pakistan: A Review." *Gender, Place and Culture* 27(2): 244-263.
- Koken, Juline A., et al. 2018. "Transgender social support groups: Recommendations for best practices." *The Journal of Sex Research* 55(1): 1-9.
- Kugle, Scott Siraj al-Haqq. 2013. "Sexuality, diversity and ethics in the agenda of progressive Muslims." In *The Oxford Handbook of Islamic Ethics*, edited by Jonathan E. Brockopp and Thomas Eich, Oxford University Press, pp. 407–24.
- Lahore High Court. 2017. "Writ Petition No. 35687/2015."
- Lin, L. Y., J. E. Sidani, A. Shensa, A. Radovic, E. Miller, J. B. Colditz, et al. 2016. "Association between Social Media Use and Depression among US Young Adults." *Depression and Anxiety* 33(4): 323-331.
- Lorber, J. 1994. *Paradoxes of Gender*. Yale University Press.
- McQueeney, Kathleen. 2019. "Religious freedom and the protection of transgender people." *Journal of Law and Religion* 34(2).

Melesse, Dessalegn Y., Leigh Anne Shafer, Faran Emmanuel, Tahira Reza, Baseer K Achakzai, Sofia Furqan, and James F Blanchard. 2018. "Heterogeneity in Geographical Trends of HIV Epidemics among Key Populations in Pakistan: A Mathematical Modeling Study of Survey Data." *Journal of Global Health* 8(2):020801. doi: 10.7189/jogh.08.020801.

Meyer, I. H. 2003. "Prejudice, Social Stress, and Mental Health in Lesbian, Gay, and Bisexual Populations: Conceptual Issues and Research Evidence." *Psychological Bulletin* 129(5): 674.

Ministry of Law and Justice, Government of India. 2019. *Transgender Persons (Protection of Rights) Act, 2019*.

<http://egazette.nic.in/WriteReadData/2019/210413.pdf>

Ministry of Social Justice and Empowerment, Government of India. 2016. "Transgender Persons (Protection of Rights) Bill"

Ministry of Social Justice and Empowerment. 2019. "Transgender Persons (Protection of Rights) Act, 2019." Retrieved from

<http://socialjustice.nic.in/writereaddata/UploadFile/TPA-2019.pdf>

Minton, H. L. 1997. "Queer Theory: Historical Roots and Implications for Psychology." *Theory and Psychology* 7(3): 337-353.

Naeem, F. 2017. "The Plight of Transgender Community in Pakistan: A Human Rights Perspective." *Journal of Law, Policy and Globalization* 64

Nanda, M.2019."The Transgender Persons (Protection of Rights) Act 2019: Progress or Regression?" Journal of Indian Law and Society10:125-142.

Nanda, Serena. 2010. "Hijras: An Alternative Sex and Gender Role in India." In Cultural Anthropology: The Human Challenge, edited by William A. Haviland et al., 327-333. Wadsworth Cengage Learning.

Naseem, Fozia, Rooh ul Amin, and Ghulam Muhammad Awan. 2021. "An Analytical Study of Laws, Determining the Gender of A Transgender Person in Pakistan."

National AIDS Control Programme (NACP) and United Nations Development Programme (UNDP). 2017. "Transgender Community in Pakistan: A Study of HIV Vulnerability and Access to Services."

<https://www.asanet.org/sites/default/files/asa/docs/pdf/2021>

National Assembly of Pakistan. 2018. Transgender Persons (Protection of Rights) Act, 2018.

https://www.na.gov.pk/uploads/documents/1526404252_286.pdf

National Assembly of Pakistan. The Transgender Persons (Protection of Rights) Act, 2018. https://na.gov.pk/uploads/documents/1522856908_112.pdf

National Center for Transgender Equality. n.d. "Understanding Transgender People." <https://transequality.org/issues/understanding-transgender-people>

National Human Rights Commission. 2018. "Transgender Persons in India: Problems and Perspectives." June.

https://nhrc.nic.in/sites/default/files/Transgender_Persons_in_India.pdf

National Legal Services Authority v. Union of India. 2014. Supreme Court of India. Retrieved from <https://www.scconline.com/blog/post/2014/04/15/nalsa-v-union-of-india/>

Nisar, M. 2020. "Transgender Rights in Pakistan: A Legal Perspective." *Journal of Law, Policy and Globalization* 104: 58-65.

Nuttbrock, Larry, Sel Hwahng, Walter Bockting, Andrew Rosenblum, Mona Mason, Monica Macri, and Jeffrey Becker. 2009. "Lifetime Risk Factors for HIV/Sexually Transmitted Infections Among Male-to-Female Transgender Persons." *JAIDS Journal of Acquired Immune Deficiency Syndromes* 52(3):417-421. doi: 10.1097/QAI.0b013e3181b18b6e.

Parsons, T. 1951. *The Social System*. Free Press.

Poteat, T., D.German, and D.Kerrigan.2019."Managing Uncertainty: A Grounded Theory of Stigma in Transgender Health Care Encounters." *Social Science and Medicine*238:112491.

Quran. n.d. <https://www.asanet.org/sites/default/files/asa/docs/pdf/2021-02/Quran.pdf>

Redding, Jeffrey A. 2019. "The Pakistan Transgender Persons (Protection of Rights) Act of 2018 and Its Impact on the Law of Gender in Pakistan."

Reis, E. 2004. "Teaching Transgender History, Identity, and Politics." *Radical History Review* 88(1): 166-177.

Riggle, Ellen D. B., Sharon Scales Rostosky, LaWanda E. McCants, and David Pascale-Hague. 2011. "The Positive Aspects of a Transgender Self-Identification." *Psychology and Sexuality* 2(2): 147-158.

Rizwan, Sana. 2020. "Transgender Community in Pakistan: A Struggle for Rights." *The Diplomat*, September 22.

<https://thediplomat.com/2020/09/transgender-community-in-pakistan-a-struggle-for-rights/>.

Rupp, L. J., and S. K. Freeman. 2014. "Understanding and Teaching US Lesbian, Gay, Bisexual, and Transgender History." University of Wisconsin Press.

Sánchez, Nelson F., John Paul Sánchez, and Ann Danoff. 2009. "Health Care Utilization, Barriers to Care, and Hormone Usage Among Male-to-Female Transgender Persons in New York City." *American Journal of Public Health* 99(4):713-719. doi: 10.2105/AJPH.2007.132035.

Scott, Joan. 1986. "Gender: A Useful Category of Historical Analysis." *American Historical Review* 91: 1053-1075.

Seelman, K. L., M. J. Colón-Díaz, R. H. LeCroix, and M. Xavier-Brier. 2017. "Transgender No inclusive Healthcare and Delaying Care Because of Fear: Connections to General Health and Mental Health among Transgender Adults." *Transgender Health* 2(1): 17-28.

Siddique, Mirbehar, S., Batool, H., Ahmad, I., and Gang, C. 2017. "Transgender Issues in Pakistani Community." *European Academic Research* 4(10): 9048-9057.

Supreme Court of Pakistan. 2009. "Suhail Abbas and Others v. Federation of Pakistan and Others." *PLD 2009 SC 879*.

Supreme Court of Pakistan. 2009. "Suhail Abbas and Others v. Federation of Pakistan and Others." *PLD 2009 SC 879*.

Susan. 2008. *Transgender History: The Roots of Today's Revolution*.

Tabassum, S., and S. Jamil. 2014. "Plight of Marginalized: Educational Issues of Transgender Community in Pakistan." *Review of Arts and Humanities* 3(1): 107-119.

Thilakan, M. 2020. "The Transgender Persons (Protection of Rights) Act, 2019: A Constitutional Perspective." *Indian Journal of Constitutional and Administrative Law* 3 (1): 19-30

Trans Action Pakistan. 2020. "Transgender Rights in Pakistan: A Comprehensive Guide."

TransAction Pakistan. 2019. "Implementation of Transgender Persons (Protection of Rights) Act 2018: An Overview." Retrieved from <https://transactionpk.org/wp-content/uploads/2019/08/Implementation-of-Transgender-Persons-Protection-of-Rights-Act-2018.pdf>

Transgender Law Center. 2017. "Pakistan Passes Historic Transgender Persons (Protection of Rights) Act."

UNDP Pakistan. 2019. Enhancing the Implementation of Transgender Persons (Protection of Rights) Act, 2018. Retrieved from <https://www.pk.undp.org/content/pakistan/en/home/projects/enhancing-the-implementation-of-transgender>

United Nations Development Programme (UNDP). 2019. "Addressing the Needs of Transgender Persons in Pakistan: A Policy Brief." <https://www.asanet.org/sites/default/files/asa/docs/pdf/2021>

United Nations Development Programme (UNDP). 2020. "Strengthening Transgender Persons' Access to Economic Opportunities in Pakistan."

United Nations Development Programme. 2019. "Being Transgender in Pakistan: Challenges and Opportunities." May. https://www.pk.undp.org/content/pakistan/en/home/library/democratic_governance/being-transgender-in-pakistan--challenges-and-opportunities.html

United Nations Development Programme. 2019. "Gender Diversity and Transgender Rights in Pakistan: Towards an Inclusive Legal Framework."

Retrieved from

https://www.pk.undp.org/content/pakistan/en/home/library/democratic_governance/Gender-Diversity-and-Transgender-Rights-in-Pakistan.html

United Nations Development Programme. 2019. "Transgender Persons in Pakistan."

United Nations Development Programme. 2020. "Pakistan's Transgender Persons (Protection of Rights) Act 2018: A Handbook for Implementation."

Retrieved from [insert URL].

West, C., and D. H. Zimmerman. 1987. "Doing Gender." *Gender and Society* 1(2): 125-151.

Westbrook, Laurel, and Kristen Schilt. 2014. "Doing Gender, Determining Gender: Transgender People, Gender Panics, and the Maintenance of the Sex/Gender/Sexuality System." *Gender and Society* 28(1): 32-57. .

Woods, Sara. 2017. *Identifying as Transgender*. New York: Rosen Publishing.

World Health Organization. 2019. "Transgender Health."

<https://www.who.int/health-topics/transgender>

Yuval-Davis, N. 1997. *Gender and Nation*. Sage Publications Ltd.

Zia, B. A. 2015. "TRANS BY BIRTH: LIFE OF A TRANSGENDER PERSON IN PAKISTAN." Editorial Team, 4: 151.

Annexure

Social Implications of Transgender Persons (Protection of Rights) Act of 2018

Name:

Demographic Options:

Age:

Gender:

Education:

Employment Status:

Income:

Political Supporter:

Part two: Research Questions to Lawyers and Legislators

- 1) How familiar are you with the Transgender Persons (Protection of Rights) Act of 2018 and its implementation in Pakistan?
- 2) In your opinion, what have been the major social implications of the Act for transgender persons in Pakistan?
- 3) As a politician, what do you think about the Transgender Persons (Protection of Rights) Act of 2018, and how do you see its implementation in the Pakistani society?
- 4) How do you think the Transgender Persons (Protection of Rights) Act of 2018 aligns with the Islamic culture and values, and how can its implementation be ensured while taking into account religious sensitivities?
- 5) In your opinion, what are some of the major challenges that may hinder the successful implementation of the Transgender Persons (Protection of Rights) Act of 2018 in Pakistan, and how can they be addressed?
- 6) How can the Pakistani government, along with religious leaders and politicians, work together to promote the rights of transgender persons while also respecting the country's cultural and religious values?
- 7) What are some of the key challenges that have been faced in implementing the Act, and how have these affected transgender persons?

- 8) How has the Act impacted the attitudes and behaviors of the wider Pakistani society towards transgender persons?
- 9) What steps have been taken to raise awareness and promote understanding of transgender issues in Pakistan since the implementation of the Act?
- 10) How have the provisions related to identity documents and passports been implemented, and what impact have they had on the lives of transgender individuals?
- 11) What role has the National Council for Transgender Persons played in overseeing the implementation of the Act, and how effective has it been in addressing the challenges faced by transgender individuals?
- 12) What is the legal framework for addressing discrimination and violence against transgender individuals in Pakistan, and how has this been affected by the Act?
- 13) Can you speak to any cultural or religious factors that may affect the implementation and effectiveness of the Transgender Persons (Protection of Rights) Act of 2018 in Islamabad, Pakistan?
- 14) Is there anything else you would like to add or discuss regarding the Transgender Persons (Protection of Rights) Act of 2018 and its implications?

- 15) What steps was taken to address the remaining gaps and challenges in the implementation of the Act, and to improve the situation for transgender persons in Pakistan more broadly?
- 16) What are your thoughts on the future of transgender rights in Pakistan, and what role do you see for legislation and policy in promoting greater inclusion and equality for transgender individuals

Interview Guide for Islamic Religious Leaders on the Social Implications of Transgender Persons (Protection of Rights) Act of 2018 in Pakistan:

Consent form for interview

Venerable Sir,

My name is Muhammad Sharif, an MPhil Scholar from Quaid I Azam University, Islamabad. I am conducting research on “**The Social implications of the Transgender Persons (Protection of Rights) Act of 2018.**” Your useful knowledge, input and experiences as a responsible member of society and religious spokespersons can provide valuable insights into this topic, and I would like to invite you to participate in my research by taking part in an interview. Your participation is voluntary, and you have the right to withdraw at any time without any consequences. All the information you provide during the interview will be kept confidential, and your anonymity will be maintained throughout the study.

The interview will take approximately thirty minutes to complete. During the interview, I will ask you questions related to your experiences and perspectives on the Transgender Persons (Protection of Rights) Act of 2018 and its social implications in Islamabad, Pakistan.

If you agree to participate, please provide your consent by signing the attached form. If you have any questions or concerns about the study, please do not hesitate to contact me.

Thank you for considering my request.

Sincerely,

Muhammad Sharif.

Sharifbaloch091@gmail.com

03222571561

Quaid I Azam University, Islamabad

School of Sociology

Introduction:

Thank you for agreeing to participate in this interview. We are conducting this study to understand the social implications of the Transgender Persons (Protection of Rights) Act of 2018 in Pakistan from the perspective of religious leaders.

Your participation is voluntary, and your responses will be kept confidential. If you have any questions, please feel free to ask.

Please begin by introducing yourself and your role within the religious community.

Name _____

Demographic Options:

Age:

Under 18

18-24

25-34

35-44

45-54

55 and above

Gender:

Male

Female

Non-binary (Transgender)

Prefer not to say.

Education:

High school diploma or equivalent

Some college or vocational school

Bachelor's degree

Master's degree

Doctorate degree

Employment Status:

Employed full-time

Employed part-time

Self-employed

Unemployed

Retired

Income:

Less than 25,000

25,000 - 50,000

50,000 -75,000

75,000 - 100,000

More than 100,000

Political Supporter:

PML(N)

PTI

PPP

JI

JUI

Other

No party Association

Interview Questions:

1. What is your understanding of the Transgender Persons (Protection of Rights) Act of 2018?
2. How do you think the Act has affected the social acceptance and inclusion of transgender individuals in Pakistani society?
3. In your opinion, what are the gaps and challenges in the implementation of the Act?
4. Do you think the Act conflicts with Islamic teachings or values? If yes, can you explain why?
5. How have religious leaders responded to the Act? Have they taken any steps to support the transgender community?
6. What are your views on transgender individuals and their rights?
7. How can the religious community work towards promoting the acceptance and inclusion of transgender individuals in Pakistani society?
8. In your opinion, what role should religious leaders play in advocating for the rights of transgender individuals?
9. How do you think the Act has influenced the provision of healthcare, education, and employment opportunities for transgender individuals in Pakistan?

10. Lastly, what recommendations would you give to the government and other stakeholders to improve the implementation of the Act and promote the rights of transgender individuals in Pakistan?

Consent form for interview

Venerable Sir/ Mam,

My name is Muhammad Sharif, an MPhil Scholar from Quaid I Azam University, Islamabad. I am conducting research on “**The Social implications of the Transgender Persons (Protection of Rights) Act of 2018.**” Your useful knowledge, input and experiences as a responsible member of society can provide valuable insights into this topic, and I would like to invite you to participate in my research by taking part in an interview. Your participation is voluntary, and you have the right to withdraw at any time without any consequences. All the information you provide during the interview will be kept confidential, and your anonymity will be maintained throughout the study. The interview will take approximately thirty minutes to complete. During the interview, I will ask you questions related to your experiences and perspectives on the Transgender Persons (Protection of Rights) Act of 2018 and its social implications in Islamabad, Pakistan.

If you agree to participate, please provide your consent by signing the attached form. If you have any questions or concerns about the study, please do not hesitate to contact me.

Thank you for considering my request.

Sincerely,

Muhammad Sharif.

Quaid I Azam University, Islamabad

School of Sociology

**Research Topic: Social Implications of Transgender Persons
(Protection of Rights) Act of 2018**

Name _____

Demographic Options:

Age:

Under 18

18-24

25-34

35-44

45-54

55 and above

Gender:

Male

Female

Non-binary (Transgender)

Prefer not to say.

Education:

High school diploma or equivalent

Some college or vocational school

Bachelor's degree

Master's degree

Doctorate degree

Employment Status:

Employed full-time

Employed part-time

Self-employed

Unemployed

Retired

Income:

Less than 25,000

25,000 - 50,000

50,000 -75,000

75,000 - 100,000

More than 100,000

Political Supporter:

PML(n)

PTI

PPP

JI

JUI

Other

Interview question

Part One: Research Question to Transgender community with FGD

- 1) What are Transgender Persons (Protection of Rights) Act of 2018 and what is your think about this act, its advantages and disadvantages?
- 2) How familiar are you with the Transgender Persons (Protection of Rights) Act of 2018 and its implementation in Pakistan?
- 3) How has the Transgender Persons (Protection of Rights) Act of 2018 as a policy and it's impacted on your life as a transgender person in Pakistan?
- 4) In your opinion, what are the major gaps and challenges in the implementation of the Act that still need to be addressed?
- 5) What role have transgender community leaders played in advocating for the implementation of the Act, and how effective have these efforts been?
- 6) How has the Act impacted family dynamics and relationships within the transgender community, and what are some of the challenges that have arisen in this context?

- 7) What has been the impact of the Act on social inclusion and exclusion of transgender persons in Pakistan, and how have attitudes towards transgender individuals changed since the implementation of the Act?
- 8) In your experience, what are some of the key issues faced by transgender persons in accessing healthcare, education, and employment opportunities in Pakistan, and how have these been addressed by the Act?
- 9) How has the Act affected the overall well-being of transgender persons in Pakistan, and what additional support or interventions are needed to promote their health and happiness?
- 10) What are some of the cultural and social norms that continue to marginalize transgender individuals in Pakistan, and how can these be addressed through policy and community-level initiatives?
- 11) Can you speak to any cultural or religious factors that may affect the implementation and effectiveness of the Transgender Persons (Protection of Rights) Act of 2018 in Islamabad, Pakistan?
- 12) What are your thoughts on the future of transgender rights in Pakistan, and what steps were taken to ensure continued progress and inclusion?

- 13) Is there anything else you would like to add or discuss regarding the Transgender Persons (Protection of Rights) Act of 2018 and its implications?
- 14) What role do you see for the transgender community and its leaders in advocating for the rights and well-being of transgender persons in Pakistan, and how can they be supported in these efforts?

**THANK YOU SO MUCH FOR YOUR
PRECIOUS TIME**
