

[AS INTRODUCED IN THE SENATE]

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BILL

*further to amend the Transgender Persons (Protection of Rights) Act,
2018*

WHEREAS it is expedient and substantial to bring meaningful and significant amendments in the Transgender Persons (Protection of Rights) Act, 2018 (XIII of 2018) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement. – (1) This Act may be called the Transgender Persons (Protection of Rights) (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of section 2, Act XIII of 2018. – In the Transgender Persons (Protection of Rights) Act, 2018 (XIII of 2018), hereinafter referred to as the said Act, in section 2, in sub-section (1), in clause (n), paragraphs (ii) and (iii) shall be omitted.

3. Amendment of section 3, Act XIII of 2018. – In the said Act, in section 3,-

(a) in sub-section (1), for the words “as per his or her self-perceived gender identity” the words “as per the advice of the Medical Board” shall be substituted;

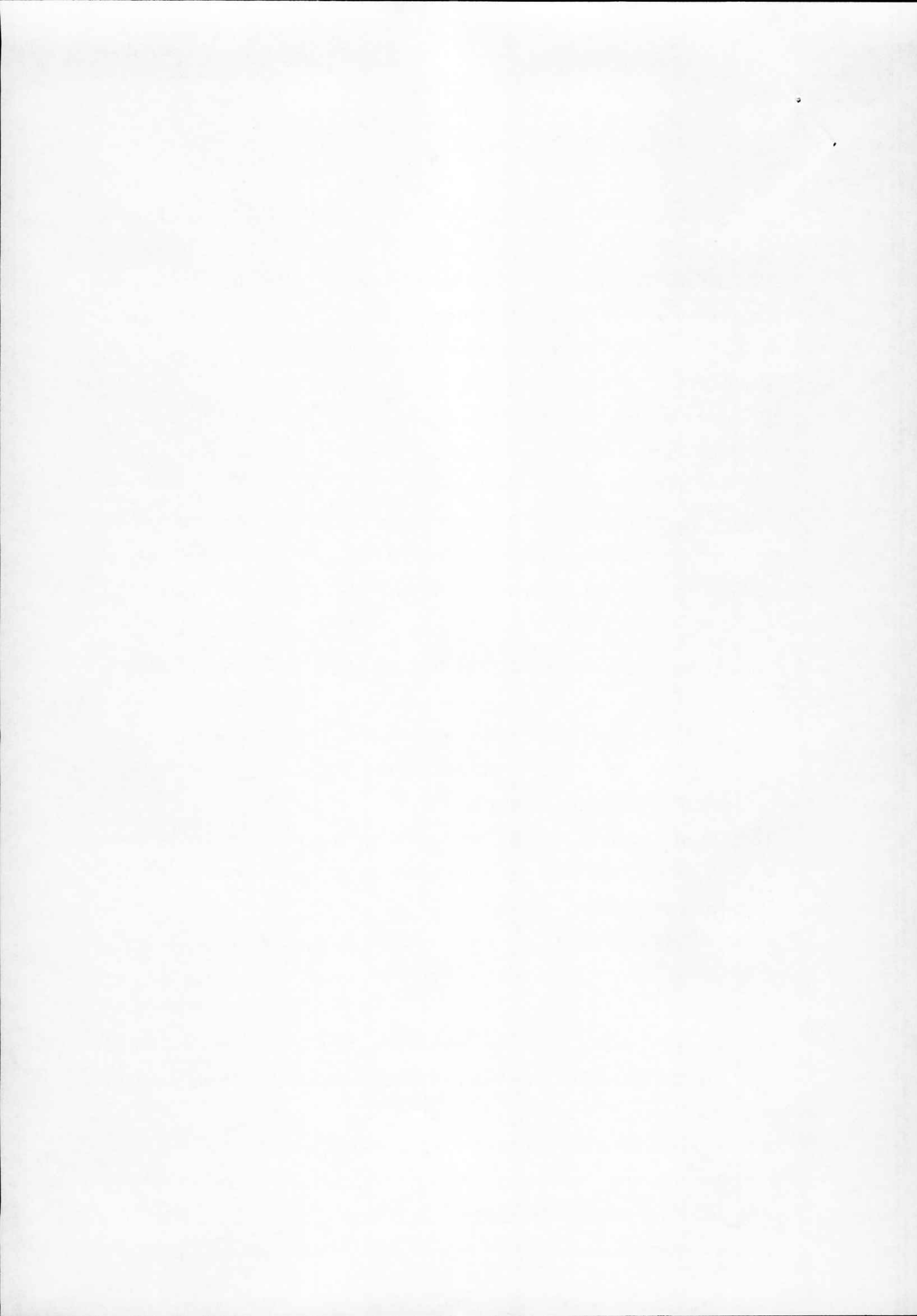
(b) in sub-section (2), for the words “as per self-perceived gender identity” the words “as per the advice of the Medical Board” shall be substituted;

(c) in sub-section (3), for the words “self-perceived gender identity” the words “the advice of the Medical Board” shall be substituted; and

(d) in sub-section (4), for the words “his or her self-perceived gender identity” the words “the advice of the Medical Board” shall be substituted.

4. Insertion of section 3A, Act XIII of 2018. – In the said Act, after section 3, the following new section 3A shall be inserted, namely: –

“3A Gender Re-assignment Medical Board. – (1) There shall be a gender re-assignment medical board for each district.



(2) The gender reassignment medical board shall be notified after approval of the Prime Minister of Pakistan in case of Islamabad Capital Territory and Chief Minister in case of the respective Provinces.

(3) The gender re-assignment medical board shall comprise of the following.-

(i) One Professor Doctor	Convener
(ii) One male General Surgeon	Member
(iii) One Female General Surgeon	Member
(iv) One Psychologist	Member
(v) One Chief Medical Officer	Member/Secretary

5. Amendment of section 7, Act XIII of 2018. – In the said Act, in section 7, sub-section (3) shall be omitted.

6. Insertion of section 12A, Act XIII of 2018. – In the said Act, after section 12, the following new section 12A, shall be inserted namely:-

"**12A.** Any sex reassignment surgery or any other treatment to change the genital features of a male or female shall be prohibited on the basis of any psychological disorder or gender dysphoria."

STATEMENT OF OBJECTS AND REASONS

The Transgender Persons (Protection of Rights) Act, 2018 has effects that are repugnant to the injunctions of Islam and the Constitution of Pakistan as it has the following effects;

- (a) Legalization of homosexual marriages;
- (b) Repugnancy to Law of Inheritance in Quran;
- (c) Violation of dignity/modesty of Muslim Women; and
- (d) Making the Recognition of Gender a Subjective matter.

Certain amendments in the said Act are proposed to bring this Act in conformity with the injunctions of Islamic Shariah and the constitution of Pakistan.

This Bill has been developed to achieve the aforesaid objectives.

SENATOR MUSHTAQ AHMED
MEMBER-IN-CHARGE

