

[AS INTRODUCED IN THE SENATE]

**A
BILL**

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

WHEREAS it is expedient further to amend 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, 2022.

(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,-

(i) for clauses (e) and (f) the following shall be substituted, namely:-

“(e) **"gender expression"** refers to a person's presentation of one's gender identity in terms of male, female and transgender;

(f) **"gender identity"** means a person characterized as male, female or transgender on the basis of one's physical and biological traits;” and

(ii) for clause (n), the following shall be substituted, namely:-

“(n) **"transgender person"** is a person who is hermaphrodite, with or without both male and female organs, or keeps one hole for urination.”

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

(i) in sub-section (1), the expression "as per his or her self-perceived gender identity, as such," shall be omitted;

(ii) in sub-section (2), the expression "as per self-perceived gender identity" shall be omitted;

(iii) in sub-section (3), the expression "according to self-perceived gender identity" shall be omitted; and

(iv) sub-section (4) shall be omitted.

4. Amendment of section 7, Act XIII of 2018.- In the said Act, in section 7, in sub-section (3), for clause (iii), the following shall be substituted, namely:-

“(iii) for person who has either both male and female organs, or devoid of both or having ambiguous characteristics, such as their state is difficult to determine, in this case, share of inheritance will be equivalent to both, half share of male and female.”

5. Amendment of section 8, Act XIII of 2018. - In the said Act, in section 8, in sub-section (1), for the comma “,” occurring after the word “private”, a full stop “.” shall be substituted, and thereafter, the expression, “subject to fulfillment of the prescribed requirements.” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Transgender Persons (Protection of Rights) Act, 2018 has been enacted to protect and safeguard the rights of transgender community in Pakistan. Its objective is to ensure provision of rights to own, inherit property, acquire education and employment, vote for candidates of their own choice, hold public office, assemble peacefully for any lawful purpose, access to public places and ensure fulfillment of fundamental rights for the transgender people, residing in Pakistan.

However, various lacunas and loopholes have been observed in this Act, that needs to be addressed and transferred its benefits to the said group of people on priority basis. Moreover, the said Act does not conform to the principles and rules, developed under Sharia for dealing with the issues, related to transgender persons in a Muslim society. Hence, these amendments are brought to fill the gaps and make this Act more effective and worthwhile for reducing suffering, improving standard of living and reforming the most deprived segment of society.

2. This Bill is aimed to achieve the above-said objective.

**SENATOR FAWZIA ARSHAD
MEMBER IN CHARGE**