

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

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Abstract

The present study analysis and identify the social implication of the transgender persons (protection of rights) Act 2018 in Pakistan. The data were collected from Legislators, including Senators and 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. For theoretical underpinning, Gender order, intersectionality and Queer theories were used. This study explored that 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. They said this act promote homosexuality unethical activities in society. This act is still controversial due to the reservation of religious bodies, including the Council of Islamic ideology and the federal Sharia court, about some sections of this act by religious side. 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.

Keywords: Transgender persons, Social, Implications, Act 2018

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, transgeunderists 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.

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).

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). 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).

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.

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).

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).

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).

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 disagreements and fill in the gaps. 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.

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 may examine 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.

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.

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.

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.

MATERIALS AND METHODS

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.

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.

RESULTS

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. 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. 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 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 respondent:

'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.'

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. One of the social activists said:

'The Transgender Persons (Protection of Rights) Act of 2018 in Pakistan is a milestone legislation prioritising the defence 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.'

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 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.'

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.'

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 features 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.'

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 favor 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 societies 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.'

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.

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.

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