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PART III

Other Notifications, Orders, etc.

SENATE SECRETARIAT

Islamabad, the 10th October, 2022

The following Bills were introduced in the Senate on 3rd October, 2022:—

SENATE BILL NO. LVIII OF 2022

A

BILL

Further to amend the Right to Free and Compulsory Education Act, 2012

WHEREAS it is expedient further to amend the Right to Free and Compulsory Education Act, 2012 (XXIV of 2012) for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**—(1) This Act may be called the Right to Free and Compulsory Education (Amendment) Act, 2022. (2) It shall come into force at once.

3329(1—33)

Price: Rs. 60.00

[9567(2022)/Ex. Gaz.]

2. **Amendment of section 3, Act XXIV of 2012.**—In the Right to Free and Compulsory Education Act, 2012 (XXIV of 2012), in section 3, in sub-section (3),

- (i) in paragraph (I), the word “and” occurring at the end shall be omitted;
- (ii) in paragraph (m), for the full stop “.” at the end, a semi colon and word “; and” shall be substituted; and
- (iii) after paragraph (m), amended as aforesaid, the following new paragraph shall be inserted, namely:
 - “(n) ensure compulsory courses related to computer sciences, coding and programming for all Elementary to High school students.”

STATEMENT OF OBJECTS AND REASONS

Education has benefited from the inclusion of technology and computers by making it easier for students to keep up while helping teachers by improving the way lessons can be planned and taught. Computers play a vital role in the modern business world, and many of even the most basic jobs involve technology and computers. Teaching students how to use computers helps them prepare for any number of possible careers, and classes based on computer education can get even more specific. This amendment aims at prescribing computer sciences, coding and programming as fundamental right of elementary to high school students, to enable them understand and learn the skills of new technology in this era of convergence and subsequently getting excellent jobs in the future and succeed in their lives.

SENATOR FAWZIA ARSHAD,
Member-In-Charge.

SENATE BILL NO. LIX OF 2022

A

BILL

to provide for the management and regulation of Tosha Khana

WHEREAS it is expedient to consolidate the law to regulate the acceptance, utilization and management of gifts received by public office

holders, by visiting abroad or from foreign dignitaries visiting this country and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:

1. **Short title, extent and commencement.**—(1) This Act may be called the Tosha Khana (Management and Regulation) Act, 2022.

(2) It extends to the whole of Pakistan and shall apply to the public office holders.

(3) It shall come into force at once.

2. **Definitions.**— (1) In this Act, unless there is anything repugnant in the subject or context,—

(a) **“Gift”** means and includes all items received by public office holders from visiting dignitaries or official state visits abroad;

(b) **“Government”** means the Federal Government;

(c) **“Public Office Holder”** means and includes President, Prime Minister, Chairman Senate, Deputy Chairman Senate, Speaker National Assembly, Deputy Speaker National Assembly, Members of the Parliament, Speakers Provincial Assemblies, Deputy Speakers Provincial Assemblies, Members of the Provincial Assemblies, Ministers and Ministers of State in the Federal Cabinet, Ministers in the Provincial Cabinets, Advisers, Special Assistants, Attorney General for Pakistan, Advocate Generals for Provinces, Prosecutor Generals in the Provinces, Chief Justice and Judges of Supreme Court, Chief Justice and Judges of High Courts, all Government servants (civil and military) as well as employees of the Federal and Provincial Governments, employees of controlled corporations, autonomous and semi-autonomous bodies and their spouses and children and other members of public visiting abroad as members of official delegations; and

(d) **“Tosha Khana”** means a repository or store maintained by the Cabinet Division, for the purpose of maintaining, preserving and storing the gifts received by the public office holders.

3. **Gifts to be deposited in Tosha Khana.**—All gifts, received by any public office holder, shall be deposited in Tosha Khana, established in the Cabinet Division, Government of Pakistan.

4. **Management and Regulation of Tosha Khan.**—The Cabinet Division, shall be responsible for the management and regulation of all gifts maintained in the Tosha Khana.

5. **Tosha Khana Evaluation Committee.**—(1) The Government shall establish a Tosha Khana Evaluation Committee, with the following composition:

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|-----|---|----------------------------|
| (a) | Secretary, Cabinet Division | <i>Chairman / Convener</i> |
| (b) | Secretary, Ministry of Foreign Affairs | <i>Member</i> |
| (c) | Secretary, Ministry of Federal Education and Professional Training, National Heritage and Culture | <i>Member</i> |
| (d) | Additional Secretary, Cabinet Division | <i>Member / Secretary</i> |
- (2) The Tosha Khana Evaluation Committee shall;
- (a) ensure that gifts received in Tosha Khana shall be preserved and deposited in transparent manner in accordance with the procedure spelled out in the Rules to be framed under this Act,
 - (b) submit annual report to Cabinet containing details of receipt and disposal of gifts including amount deposited in the treasury; and
 - (c) formulate its Terms of References (ToRs), for performance of its functions.

6. **Procedure for depositing, maintaining and disposal of gifts.**—(1) The public office holders and their family members shall not be allowed to purchase gifts from Tosha Khana, either directly or through public auction.

(2) The public office holders or their relatives shall not be allowed to retain any category of gifts, after paying the retention costs.

(3) The responsibility rests with the public office holder to report receipt of the gift(s) to the Cabinet Division. All gifts received by the Public office holder irrespective of their prices, must be reported and deposited immediately in Tosha Khana of the Cabinet Division, Government of Pakistan. If it is found, on checking, that an individual has not reported the receipt of a gift, appropriate action shall be taken against him.

(4) If a Chief of Protocol, Ministry for Foreign Affairs, or his representative has been attached to a visiting dignitary or a foreign delegation, it shall be his responsibility to supply the list of gifts received, together with the names of the public office holders, to the Cabinet Division. In the case of other delegations or visiting dignitaries with whom the Chief of Protocol or his representative is not attached, the Ministry sponsoring the visit shall be

responsible to supply the detail of gifts received and the list of public office holders to the Cabinet Division. In the case of outgoing delegations or visits abroad of our dignitaries, it shall be the responsibility of the Ambassador of Pakistan and/or Head of Pakistan mission in the country concerned to report the recipient of the gifts, together with the name of the public office holders, to the Cabinet Division through the Ministry of Foreign Affairs.

(5) Government servants either Federal or Provincial, except those in BPS 1 to BPS 4 are prohibited from receiving cash awards offered by the visiting foreigner dignitaries. Such gifts may be politely refused. In case, however, it becomes impossible to refuse without causing offence to the visiting dignitary, the amount shall be immediately deposited in the Government treasury and copy of Treasury Challan shall be provided to the Tosha Khana In charge, Cabinet Division.

7. **Value of gifts to be assessed.**—(1) The Cabinet Division shall get the value of the gifts assessed from Government sector experts in the FBR. The Cabinet Division shall also get the value of gifts assessed by the private appraisers borne on its approved panel.

(2) If the difference in value of gifts assessed by two categories of appraisers is less than 25%, the high level shall be accepted. However, if the difference in value is 25% or more, a committee to be constituted by the Cabinet Secretary shall decide the final value.

(3) Private appraisers borne on its approved panel of the Cabinet Division shall be paid 2% of the evaluation cost of each gift or two thousand Rupees, whichever is less.

8. **Disposal of gifts.**—(1) Gifts deposited in the Tosha Khana which are suitable for display, shall be properly catalogued and then displayed in the prominent buildings/institutions owned by Government or in the official residence of the Head of the State or Head of the Government. Such articles shall be properly entered in the Tosha Khana register and in the stock registers of the respective offices/institutions.

(2) An annual physical verification/stock taking shall be carried out in respect of such articles by an authorized officer of the Cabinet Division in the first quarter of each calendar year.

(3) Gifts that fall in the category of sale shall be disposed of through public auction.

(4) Antique items and vehicles shall not be allowed to be purchased by the recipients. Antiques shall be placed in museums or displayed in the official buildings owned by the Government.

(5) Vehicles, received as gifts shall first be deposited with Tosha

Khana for subsequent transfer to transport/protocol pool of the Cabinet Division.

9. **Power to make rules.**—The Government shall, by notification in the official gazette, make rules for carrying out purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Tosha Khana is maintained by the Cabinet Division, and its objective is to collect, maintain, manage, and preserve gifts and fix its prices. In order to ensure transparency and minimize the involvement of public office holders in purchase of gifts, a process has been spelled out through this Act, which will ensure general public to purchase gifts through public auction, but the said facility is not available to public office holders.

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

SENATOR BAHRAMAND KHAN TANGI,
Member In Charge.

SENATE BILL NO. LX OF 2022

A

BILL

further to amend the Islamabad Capital Territory Local Government Act, 2015

WHEREAS it is expedient further to amend the Islamabad Capital Territory Local Government Act, 2015 (X of 2015) for the purposes hereinafter appearing; It is hereby enacted as follows:

1. **Short title and commencement.**—(1) This Act may be called the Islamabad Capital Territory Local Government (Amendment) Act, 2022.

(2) It shall come into force at once.

2. **Amendment of section 2, Act X of 2015.**—In the Islamabad Capital Territory Local Government Act, 2015 (X of 2015), hereinafter referred to as the said Act, in section 2, in sub-section (1), after paragraph (jj), the following new paragraph shall be inserted, namely:—

“(jjja) “Pound” means the premises, where all categories of dogs, whether mad and stray are confined;”

3. **Amendment of sixth Schedule, Act X of 2015.**—In the said Act, in Sixth Schedule, in Entry at Serial No. 7, in Column No.3, for the amount “Rs. 400”, the amount “Rs. 10,000” shall be substituted.

4. **Amendment of ninth Schedule, Act X of 2015.**—In the said Act, in Ninth Schedule,-

- (i) in entry 9, in sub-entry (3), for the expression “A local government may”, the expression “A local government shall” shall be substituted; and
- (ii) after entry 9 amended as aforesaid, the following new entry shall be inserted, namely:

“9-A. For the employees of Metropolitan Corporation Islamabad, if proved negligent in dealing with mad and stray dogs, the minimum punishment shall be dismissal from service.”

STATEMENT OF OBJECTS AND REASONS

The dog biting incidents are on rise at an alarming rate in Pakistan. Owners or handlers of dogs do not take precautionary measures, while taking them in public. Various incidents were reported, where dogs bit people in front of their owners and they couldn't do anything to stop them. There is a dire need to address this issue by obliging owners to ensure safety of the public at large, when they are on roads with their dogs for walk and recreation, and punish them with a considerable fine, for violating the said law. Similarly, mad and stray dogs also creates fear and danger for people around the country. Hence, this bill has proposed to enhance the amount of fine for owners and handlers of dogs, already provided under this Act, to create deterrence in society. Moreover, the employees of Metropolitan Corporation, Islamabad are made responsible and, if they show negligent behaviour in dealing with mad and stray dogs, the same would be dismissed from service.

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

SENATOR RANA MAQBOOL AHMAD,
Member In Charge.

SENATE BILL NO. LXI OF 2022

A

BILL

further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**—(1) This Act may be called the Constitution (Amendment) Act, 2022.

(2) It shall come into force at once.

2. **Amendment of Article 62 of the Constitution.**— In the Constitution of the Islamic Republic of Pakistan, in Article 62, in clause (1), in sub-clause (f), for the expression “honest and ameen,” the expression “veracious and devoted,” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

According to Articles 62 and 63 of the Constitution, a person may be qualified or elected as a Member of Parliament provided he has adequate knowledge of Islam and is essentially 'Sadiq and Ameen (Honest and Righteous). In literal terms, Sadiq is a qualitative metaphor used for one who has never spoken a lie. Ameen refers to one who has never breached anyone's trust. These two words are used in Arabic as lagab for Holy Prophet (P.B.U.H) for his unprecedented truthfulness and honesty which no man can practice and reach the level.

2. Article 62(1) (f) of the Constitution imposes Islamic ethical conditions for eligibility of a candidate for election to the Parliament but these are made applicable to both Muslim as well as non-Muslim candidates for Parliamentary membership. In this regard current code of conduct of the members of United Kingdom can be a good example as the universality of standards of honorable conduct in public life in the contemporary democratic world, irrespective of faith or culture, makes it plausible for all candidates for the Parliament including non-Muslim candidates to be eligible.

3. The Bill is designed to achieve the aforesaid objects.

SENATOR PALWASHA MOHAMMED ZAI KHAN,
Member-In-Charge.

SENATE BILL NO. LXII OF 2022

A

BILL

further to amend the Constitution of Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**—(1) This Act may be called the Constitution (Amendment) Act, 2022.

(2) It shall come into force at once.

2. **Amendment of Article 215 of the Constitution.**— In the Constitution of Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 215, in clause (1), for the first and second provisos, the following shall be substituted, namely:-

“Provided that four of the members, shall retire after expiration of first two and a half years and four shall retire after the expiration of the next two and half years, with equal proportion of men and women:

Provided further that the Commission shall for the first term of office of members draw a lot as to which four members, with equal proportion of men and women, shall retire after the first two and a half years:”

3. **Amendment of Article 218 of the Constitution.**—In the Constitution, in Article 218, in clause (2), for paragraph (b), the following shall be substituted, namely:-

“(b) eight members, two from each province with one being woman, each of whom shall be a person who has been a judge of a High Court or has been a senior civil servant or is a technocrat and is not more than sixty-five years of age, to be appointed by the President in the manner provided for appointment of the Commissioner in clauses (2A) and (2B) of Article 213.

Explanation.— “senior civil servant” and “technocrat” shall have the same meaning as given in clause (2) of Article 213.”

4. **Amendment of Article 228 of the Constitution.**—In the Constitution, in Article 228, in clause (3), for paragraph (d), the following shall be substituted, namely:-

“(d) at least two of the members are women.”

STATEMENT OF OBJECTS AND REASONS

As per Census 2017, Pakistan Bureau of Statistics declared 207,684,626 as total population of Pakistan, out of which, 106,318,220 and 101,344,632 are male and female respectively. As the female population is continuously increasing, there is a need to increase representation of women population in government and private authorities, bodies, commissions, councils and tribunals all over Pakistan.

2. As female participation is meager and not adequate, so, efforts should be enhanced for said purpose. Moreover, as per the Constitution of Pakistan, there is no specific provision regarding female membership in the Election Commission of Pakistan, thus, the same may be provided. In addition, Council of Islamic Ideology comprises of only one female member, and same ought to be increased. Hence, this bill has been proposed to increase women participation in both of these institutes, which would be an effective contribution to the development and prosperity of Pakistan.

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

SENATOR ENGR. RUKHSANA ZUBERI,
Member-In-Charge.

SENATE BILL NO. LXIII OF 2022

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 Transgender Persons (Protection of Rights) (Amendment), Act ,2022.

(2) It shall come into force at once

2. **Amendment of long title and preamble, Act XIII of 2018.**—In the Transgender Persons (Protection of Rights) Act, 2018 (XIII of 2018), hereinafter referred to as the said Act, in the long title and preamble, for the word “transgender”, occurring twice the word “intersex” shall be substituted.

3. **Amendment of section 1, Act XIII of 2018.**—In the said Act, in section 1, in sub-section (1), for the word “Transgender” the word “Intersex” shall be substituted.

4. **Amendment of section 2, Act XIII of 2018.**—In the said Act, in section 2, in sub-section (1),

- (i) in clause (a), for the word “Transgender” the word “Intersex” shall be substituted;
- (ii) in clause (c), for the word “transgender” the word “intersex” shall be substituted;
- (iii) clause (e) shall be omitted;
- (iv) for clause (f), the following shall be substituted, namely;
“(f) **“gender Identity”** means a person's sexual identity that corresponds to his / her sex at birth whether male, female or intersex.”; and
- (v) in clause (I) after semi colon “;” occurring at the end the word “and” shall be added;
- (vi) in clause (m) for the expression “; and” a full stop “.” Shall substituted; and
- (vii) clause (n) shall be omitted.

5. **Amendment of Chapter II, Act XIII of 2018.**—In the said Act, in Chapter II, in the heading for the word “**TRANSGENDER**” the word “**INTERSEX**” shall be substituted.

6. **Amendment of section 3, Act XIII of 2018.**—in the said Act,- in section 3,—

- (i) in the marginal note, for the word “transgender” the word “intersex” shall be substituted;
- (ii) in sub-section (1),—
 - (a) for the word “transgender”, the word “intersex” shall be substituted and for the expression “as per his or her self - perceived gender identity, as such,” the words “sex at birth” shall be substituted; and
 - (b) in sub-section (2), for the words “as per self-perceived gender identity” the words “as per his / her sex at birth” shall be substituted; and
 - (c) sub-sections (3) and (4) shall be omitted.

7. **Amendment of section 4, Act XIII of 2018.** In the said Act, in section 4,—

- (i) for the word “transgender”, the word “intersex” shall be substituted; and
- (ii) in clause (i), for the word “transgender”, the word “intersex” shall be substituted.

8. **Amendment of section 5, Act XIII of 2018.**—In the said Act, in section 5, for the word “transgender”, the word “intersex” shall be substituted.

9. **Amendment of section 6, Act XIII of 2018.**— In the said Act, in section 6,—

- (i) for the word “transgender” the word “intersex” shall be substituted;
- (ii) in clause (a) for the word “transgender” occurring twice the word “intersex” shall be substituted;
- (iii) in clause (b) for the word “transgender” the word “intersex” shall be substituted;
- (iv) in clause (c) for the word “transgender” the word “intersex” shall be substituted;
- (v) in clause (d) for the word “transgender” the word “intersex” shall be substituted; and
- (vi) in clause (e) for the word “transgender”, the word “intersex” shall be substituted.

10. **Amendment of Chapter V, Act XIII of 2018.**— In the said Act, in Chapter V, in the heading for the word “TRANSGENDER” the word “INTERSEX” shall be substituted.

11. **Amendment of section 7, Act XIII of 2018.**—In the said Act, in section 7,—

- (i) in sub-section (1), for the word “transgender”, the word “intersex” shall be substituted;
- (ii) in sub-section (2), for the word “transgender” the word “intersex” shall be substituted.
- (iii) in sub-section (3),—

- (a) for the word “transgender”, the word “intersex” shall be substituted;
 - (b) in clause (i) for the word “transgender” the word “intersex” shall be substituted;
 - (c) in clause (ii) for the word “transgender” the word “intersex” shall be substituted; and
 - (d) in clause (iii), sub-clauses (a), (b), (c) and (d) shall be omitted.
12. **Amendment of section 8, Act XIII of 2018.**—In the said Act, in section 8,-
- (i) in sub-section (1), for the word “transgender” the word “intersex” shall be substituted;
 - (ii) in sub-section (3), for the word “transgender”, the word “intersex” shall be substituted; and
 - (iii) in sub-section (4), after the words “person's sex” a full stop “.” shall be inserted and the expression “,gender identity and gender expression,” shall be omitted.
13. **Amendment of section 9, Act XIII of 2018.**— In the said Act, in section 9,-
- (i) in sub-section (1), for the word “transgender”, the word “intersex” shall be substituted; and
 - (ii) in sub-section (2), for the word “transgender”, the word “intersex” shall be substituted.
14. **Amendment of section 10, Act XIII of 2018.**—In the said Act, in section 10,—
- (i) for the word “transgender”, the word “intersex” shall be substituted; and
 - (ii) in the proviso for the word “transgender”, the word “intersex” shall be substituted.
15. **Amendment of section 11, Act XIII of 2018.**—In the said Act, in section 11, for the word “transgender”, the word “intersex” shall be substituted.
16. **Amendment of section 12, Act XIII of 2018.**—In the said Act, in section 12,-

- (i) for the word “transgender”, the word “intersex” shall be substituted;
- (ii) in clause (a), for the word “transgender”, the word “intersex” shall be substituted;
- (iii) in clause (b), for the word “transgender”, the word “intersex” shall be substituted; and
- (iv) in clause (c), for the word “transgender”, the word “intersex” shall be substituted.

17. **Amendment of section 13, Act XIII of 2018.**—In the said Act, in section 13,—

- (i) in sub-section (1) for the word “transgender”, the word “intersex” shall be substituted; and
- (ii) in sub-section(2) for the word “transgender”, the word “intersex” shall be substituted.

18. **Amendment of section 14, Act XIII of 2018.**—In the said Act, in section 14,—

- (i) in sub-section (1) for the word “transgender”, the word “intersex” shall be substituted;
- (ii) in sub-section (2) for the word “transgender”, the word “intersex” shall be substituted; and
- (iii) in sub-section (3) for the word “transgender”, the word “intersex” shall be substituted.

19. **Amendment of section 15, Act XIII of 2018.**— In the said Act, -in section 15,—

- (i) in sub-section (1) for the word “transgender” the word “intersex” shall be substituted; and
- (ii) in sub-section (2) for the word “transgender” the word “intersex” shall be substituted.

20. **Amendment of section 16, Act XIII of 2018.**—In the said Act, in section 16, in sub-section (1) for the word “transgender”, the word “intersex” shall be substituted.

21. **Amendment of section 17, Act XIII of 2018.**—In the said Act, in section 17, for the word “transgender” the word “intersex” shall be substituted.

22. **Amendment of section 18, Act XIII of 2018.**—In the said Act, in section 18, for the word “transgender” the word “intersex” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Intersex persons (commonly known as *Khwajasara*) face tremendous social and other problems in the society and their rights must be protected. “The Transgender Persons (Protection of Rights) Act 2018” has not been able to effectively address their problems amicably and effectively.

This Act has grossly intruded on the rights of women who are already deprived of many rights and face enormous issues and discrimination. Whereas under this Act a man, as per his self perceived gender identity, can legally change his identity to woman as such “he” would be able to become member of the Parliament on reserved seats for women, get admission in female educational institution, utilize female facilities e.g. public toilets and parks reserved for women and also claim inheritance rights etc. In a similarly way a man, as per his self perceived gender identity, who has registered himself as woman shall have the legal right to marry a “person” who is registered as man thus opening a way to homosexuality and many other moral, social, psychological problems. A woman can also convert herself to a man and get married to a woman which would result in legalization of homosexual marriages against injunctions of Islam. Transgender is a mental, psychological problem and most of the time can be cured by counseling and therapy. These serious issues are not only against the social and cultural norms of our society but also the basic teachings of Islam, which is the official religion of Pakistan and “no Law shall be made against Islam” as per the Constitution of Pakistan.

3. It must be recognized that the primary objective of this Act is to protect the rights of *Khawajasara* called “Intersex”. It generally means a person with ambiguous genitalia and is also known as Hermaphrodite.

4. The term “Transgender” was launched by an American psychiatrist John F. Oliven in 1965. It was essentially meant for persons who experience sexual orientation against their sex at birth. This is primarily a disordered mental state where a man may “feel-like” a woman or a woman “feel-like” a man or sometimes even may have “fluid gender perceptions” which is called “Non-Binary” gender. It is psychological / psychiatric state of mind and cannot be equated to “Intersex”.

5. With the above backdrop it is expedient to amend “The Transgender Persons (Protection of Rights) Act, 2018” to provide full protection to the rights of “intersex” (*Khawajasara*) population and vis-a-vis protect the rights of woman.

6. The Bill seeks to achieve the above objects.

SENATOR MOHSIN AZIZ,
Member-In-Charge.

SENATE BILL NO. LXIV OF 2022

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 for the purposes herein after 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 3, Transgender Persons (Protection of Rights) Act, 2018.**— In the Transgender Persons (Protection of Rights) Act, 2018, hereinafter referred to as the Act, in section 3, following amendments shall be made namely:

- i. In subsection (1) for the expression “have a right to be recognized as per his or her self-perceived gender identity” the expression “as determined by the Medical Certificate issued by the concerned Medical Board” shall be substituted.
- ii. In subsection (2) for the phrase “self-perceived”, the expression, “Medical Certificate” shall be substituted.
- iii. In subsection (3) for the phrase “self-perceived”, the expression, “Medical Certificate” shall be substituted.

- iv. In subsection (4) for the phrase “self-perceived”, the expression, “Medical Certificate” shall be substituted.

3. **Insertion of Section 4A after section 4 of the Act.**—In the Act after section 4 a new section 4A shall be added namely,

“Prohibition against disowning of transgender baby. - No parent shall be allowed to disown the transgender baby born to him/her.

4. **Insertion of Section 5A after section 5 of the Act.**—In the Act after section 5 a new section 5A shall be added namely,

“Prohibition against adopting of transgender baby by Gurus. - No Guru shall be allowed to adopt or carry the transgender baby, forcefully or by consent, born to any parent.”

5. **Amendment of section 7 of the Act.**—In the Act, in section 7, in subsection (3) following amendments shall be made namely:

- i. In clause (a) for the phrase “self-perceived”, the expression, “Medical Certificate” shall be substituted.
- ii. In clause (b) for the phrase “self-perceived”, the expression, “Medical Certificate” shall be substituted.
- iii. In clause (c) for the phrase “self-perceived”, the expression, “Medical Certificate” shall be substituted.

6. **Amendment of section 17 of the Act.**— In the Act, in section 17, after subsection (1) following new subsection (2) shall be added namely,

“Whoever contravenes the provisions of section 4A and 5A shall be punishable with imprisonment which may extend to one year or with fine of five lac rupees or with both.”

STATEMENT OF OBJECTS AND REASONS

The law was enacted by parliament in 2018 to provide legal recognition to transgender persons. It enshrines transgender persons' equal rights to education, basic health facilities, the right to affirm their transgender identity on ID cards and passports, as well as the right to vote in and contest elections.

The main concept was that the transgender persons are also human beings, and the legislation was meant to protect their rights, including inheritance, education, employment, health and purchase of property.

The act has a chance of weakness or misuse of it as the complaints

started coming after two years on a provision that there was a possibility that sections 3 and 4 could be misused. According to the aforementioned sections, after reaching the age of 18 years, transgender persons could declare their genders on their identity cards. It should be suitably amended and made subject to the decision of the Medical Board.

Furthermore, the Act is devoid of one more compressing issue *i.e.* disowning of transgender child and adoption of same by khwaja sira community. Verily one is shocked to know that most of the parents do not accept their transgender-children and are in utter disregard of their instinctive urge and the deep rooted parental love and attachment. A young trans child, when turned out from a parents' home, their family and nearly all the relatives show no sympathy toward the child who has to suffer for it, In these circumstances transgender-children are forced to join the khwaja sira community, which, in such a critical situation is the only resort for the banished child, The community provides such children with the basic necessities of life. They, in turn, adopt the profession of dancing and entertainment etc. Actually, lack of education and awareness is also a factor responsible for this state of affairs. Educated and civilized parents do not let others know about their child's gender identity. On the other hand, if such a child is disowned by all his/her dear-ones, then they have no option but to join the khwaja sira community which is the only door open to them for earning their livelihood.

The situation clamors to introduce the said bill.

The Bill has been designed to achieve the above said purpose.

SENATOR SYED MUHAMMAD SABIR SHAH,
Member-In-Charge.

SENATE BILL NO. LXV OF 2022

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 Transgender Persons (Protection of Rights) (Amendment), Act ,2022.

(2) It shall come into force at once.

2. **Amendment of short and long titles, Act XIII of 2018.**—In the Transgender Persons (Protection of Rights) Act (XIII of 2018), hereinafter referred to as the said Act, in short and long titles, for the words “transgender persons” wherever occurring, the words “intersex persons” shall be substituted.

3. **Amendment of section 2, Act XIII of 2018.**—In the said Act, in section 2,-

(i) for the words “transgender persons”, wherever occurring, the words “intersex persons” shall be substituted

(ii) sub-section (e) shall be omitted.

(iii) for sub-section (f), the following shall be substituted namely -

“intersex identity” means identity of an intersex person be made on the basis of physical appearance, genital features or congenital ambiguities, however, in case of dispute over the gender of said person, a notified medical board shall determine the gender identity of an intersex person.”

(iv) after sub-section (h), the following sub-section shall be inserted namely.-

“(hh) “medical board” means a duly notified “Medical Board” of doctors by the Government who are experts in the intersex identity.”

(v) sub-section (n) shall be omitted.

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

(i) for sub-section (1), the following shall be substituted namely.

“An intersex person shall have a right to be recognized on the basis of physical appearance, genital features, congenital ambiguities or by a duly notified medical doctor.”

(ii) for sub-section (2), the following shall be substituted namely -

“A person recognized as intersex under sub-section (1) shall have a

right to get himself or herself registered on the basis of physical appearance, genital features, congenital ambiguities or by a duly notified medical doctor with all government departments including, but not limited to, NADRA.”

(iii) for sub-section (3), the following shall be substituted namely.-

“Every intersex person, being the citizen of Pakistan, who has attained the age of eighteen years shall have the right to let himself or herself registered on the basis of physical appearance, genital features, congenital ambiguities or by a duly notified medical doctor with NADRA on the CNIC, CRC, driving license and passport in accordance with the provisions of the NADRA Ordinance, 2000 (Viii of 2000) or any other relevant laws.”

(iv) for sub-section (4), the following shall be substituted namely -

“An intersex person to whom CNIC has already been issued by the NADRA shall not be allowed to change the name and gender according to his or her self-perceived identity, but in accordance with physical appearance, genital features, congenital ambiguities or by a duly notified medical doctor on the CNIC, CRC, driving license and passport in accordance with the provisions of the NADRA Ordinance, 2000 (VIII of 2000).”

5. **Amendment of section 4, Act XIII of 2018.**—In the said Act, for section 4, the following shall be substituted namely.

“No person shall discriminate against an intersex person on any of the following grounds, namely:-

- (a) the denial or discontinuation of education in educational institutions and services thereof;
- (b) the denial of, or termination from, employment or occupation;
- (c) the denial or discontinuation of healthcare services;
- (d) the denial or discontinuation in access to, or provision or enjoyment of use of any goods, accommodation, service, facility, benefit, privilege or opportunity dedicated to the use of general public or customarily available to the public;
- (e) the denial or discontinuation with regard to, right to movement, safe travel and use of public facilities of transportation;
- (f) the denial or discontinuation with regard to, the right to reside, sale, purchase, rent or otherwise occupy or inherit a movable and immovable property;

- (g) the denial or discontinuation with regard to, the opportunity to stand for or hold public or private office; or
- (h) the denial of access to, removal from government or private establishment, organizations, institutions, departments, centers in whose care, custody or employment of an intersex person may be.”

6. **Amendment of section 5, Act XIII of 2018.**—In the said Act, section 5 shall be omitted.

Amendment of section 6, Act XIII of 2018. - In the said Act, section 6 shall be omitted.

8. **Amendment of section 7, Act XIII of 2018.**— In the said Act, in section 7:

- (i) sub-section (1) shall be omitted.
- (ii) existing sub-section (2) shall be renumbered as sub-section (I), and for the said sub-section, the following shall be substituted namely.

“The share of an intersex person shall be determined as per his or her physical appearance, genital features, congenital ambiguities or on the basis of a duly notified medical board, and the sex declared by such board shall be in accordance with the religion and personal law of the said person.”

- (iii) for the existing sub-section (3), re-numbered as sub-section (2), the following shall be substituted, namely.

(2) The share of inheritance for intersex persons, in accordance with their physical appearance, genital features, congenital ambiguities or on the basis of a duly notified medical board, and the sex declared by such board shall be as follows:

- (i) for intersex male, the share of inheritance shall be that of man;
- (ii) for intersex female, the share of inheritance shall be that of woman;
- (iii) for person who has both male and female or ambiguous characteristics, such as their state is difficult to determine upon birth, following shall apply:
 - (a) upon reaching the age of eighteen years, if the person’s gender identity is intersex male, then the share of inheritance shall be that of man;

- (b) upon reaching the age of eighteen years, if the person's gender identity is intersex female, the share of inheritance shall be that of woman;
- (c) upon reaching the age of eighteen years, if the person's gender identity is neither intersex male nor intersex female, the share of inheritance will be an average of two separate distributions for a man and woman; and
- (d) below the age of eighteen years, the gender as determined by medical officer on the basis of predominant male or female features."

9. **Amendment of section 8, Act XIII of 2018.**—in the said Act, in section 8:

- (i) in sub-section (1), for the words, "transgender persons", the words "intersex persons" shall be substituted;
- (ii) in sub-section (3), for the words, "transgender persons", the words "intersex persons" shall be substituted;
- (iii) in sub-section (4), the words "and gender expression" shall be omitted.
- (iv) in paragraph (d), sub-section (4), the words "and expression" shall be omitted.

10. **Amendment of section 9, Act XIII of 2018.**—In the said Act, in section 9:

- (i) for the words, "transgender persons", wherever occurring, the words "intersex persons" shall be substituted;
- (ii) words "or gender expression" shall be omitted.

11. **Amendment of section 10, Act XIII of 2018.**—In the said Act, in section 10:

- (i) for the words, "transgender person", the words "intersex person" shall be substituted;
- (ii) for the proviso, the following shall be substituted:

"Provided that the access to a polling station shall be according to the gender declared on the CNIC of the intersex person, based upon physical appearance, genital features, congenital ambiguities or by a duly notified medical board already mentioned in CNIC."

12. **Amendment of section 11, Act XIII of 2018.**—In the said Act, in section 11:

- (i) for the words, “transgender persons”, the words “intersex persons” shall be substituted;
- (ii) words “and gender expression” shall be omitted.

13. **Amendment of section 12, Act XIII of 2018.**—In the said Act, in section 12, for the words, “transgender persons”, wherever occurring, the words “intersex persons” shall be substituted.

14. **Amendment of section 13, Act XIII of 2018.**—In the said Act, in section 13:

- (i) for the words, “transgender persons”, wherever occurring, the words “intersex persons” shall be substituted;
- (ii) words “and gender expression” shall be omitted.

15. **Amendment of section 14, Act XIII of 2018.**—In the said Act, in section 14:

- (i) for the words, “transgender persons”, wherever occurring, the words “intersex persons” shall be substituted;
- (ii) words “ or gender expression” shall be omitted.

16. **Amendment of section 15, Act XIII of 2018.**—In the said Act, in section 15:

- (i) for the words, “transgender person”, the words “intersex person” shall be substituted;
- (ii) words “ or gender expression- shall be omitted.

17. **Amendment of section 16, Act XIII of 2018.**—in the said Act, in section 16:

- (i) for the words, “transgender person”, wherever occurring, the words “intersex person” shall be substituted;
- (ii) words “ or gender expression” shall be omitted.

18. **Amendment of section 17, Act XIII of 2018.**—In the said Act, in section 17:

- (i) for the word, “transgender person”, the words “intersex person” shall be substituted;
- (ii) At the end of section 17, the following proviso shall be inserted:
“provided that in such occasion, the intersex person already determined on the basis of physical appearance, genital features, congenital ambiguities or by a report of duly notified medical board may file a complaint before the Judicial Magistrate having territorial jurisdiction.”

19. **Amendment of section 18, Act XIII of 2018.**— In the said Act, in section 18, for the words “transgender person”, the words “intersex person” shall be substituted.”

20. **Amendment of section 19, Act XIII of 2018.**—In the said Act, section 19 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. However, it has failed to achieve the afore-cited purpose. There are various lacunas and loopholes in this Act, which needs to be dealt with on priority basis. The phrase “Transgender Persons” itself is not appropriate and needs to be replaced with the “Intersex Persons”. The definition of transgender opens door for conflicts and contradictions among various school of thoughts of Islam, and requires to be omitted. Moreover, the concept of “self-perceived identity” is against the spirit of Islam, as the same does not allow any person to adopt an identity on the basis of his or her own choice, but should solely be determined on the basis of physical appearance, genital features, congenital ambiguities or by a report of duly notified medical board. In addition, same characteristics must be applied, in case of inheritance of any Intersex person, to be based on their religion or personal law. Hence, these amendments have been brought to bring this Act in conformity with Quran and Shariat.

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

SENATOR MOLANA ABDUL GHAFOOR HAIDERI
SENATOR ATTA-UR-REHMAN
SENATOR MOLVI FAIZ MUHAMMAD
SENATOR KAMRAN MURTAZA
Members-In-Charge.

SENATE BILL NO. LXVI OF 2022

A

BILL

to provide for protection, relief and rehabilitation of rights of the khunsa persons and their welfare and for matters connected therewith and incidental thereto

WHEREAS it is expedient to provide for protection, relief and rehabilitation of rights of the khunsa persons and their welfare and for matters connected therewith and incidental thereto;

It is hereby enacted as follows: -

**CHAPTER-I
PRELIMINARY**

1. **Short title, extent and commencement.**— (1) This Act may be called the Khunsa Persons (Protection of Rights) Act, 2022.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.**— (1) In this Act, unless there is anything repugnant in the subject or context, -

(a) **“Act”** means the Khunsa Persons (Protection of Rights) Act, 2022;

(b) **“CNIC”** means Computerized National Identity Card;

(c) **“Complainant”** means a Khunsa person who has made a complaint on being aggrieved by an act of harassment;

(d) **“CRC”** means Child Registration Certificate or B-Form;

(e) **“Gender”** means a persons' expression as per his or her sex; not different than the sex assigned to him or her at the time of birth or as per the advice of Medical Board.

(f) **“Government”** means the Federal Government;

(g) **“Harassment”** includes sexual, physical, mental and psychological harassment which means any aggressive pressure or intimidation intended to coerce', unwelcome sexual advance, request for sexual favours or other verbal or written communication or physical

conduct of a sexual nature or sexually demeaning attitudes, causing interference with living, mobility or work performance or creating an intimidating, hostile or offensive work or living environment including the attempt to punish the complainant for refusal to comply with such requests or to bring forth the complaint;

- (h) **“Khunsa Person”** is a person who is Intersex with mixture of male and female genital features or congenital ambiguities;
- (i) **“NADRA”** means the National Database and Registration Authority;
- (j) **“Notification”** means a notification published in the Gazette;
- (k) **“PMC”** means Pakistan Medical Commission made under the Pakistan Medical Commission Act, 2020;
- (l) **“Prescribed”** means prescribed by rules made by the Government under this Act; and
- (m) **“Rules”** means the rules made under this Act; or

(2) A word or expression not defined in the Act shall have the same meaning as assigned to it in the Code of Criminal Procedure, 1898 or Pakistan Penal Code, 1860 (XLV of 1860).

CHAPTER-II

RECOGNITION OF IDENTITY OF KHUNSA PERSON

3. **Recognition of identity of Khunsa Person.**— (1) A Khunsa is person who has a mixture of male and female genital features or congenital ambiguities.

(2) A person recognized as Khunsa under sub-section (1) shall have a right to get himself or herself registered as a male or female as per the advice of Medical Board with all government departments including, but not limited to NADRA.

(3) Every Khunsa Person, being the citizen of Pakistan, who has attained the age of eighteen years shall have the right to get himself or herself registered as male or female as per the advice of Medical Board with NADRA on the CNIC, CRC, Driving Licence and Passport in accordance with the provisions of the NADRA Ordinance, 2000 or any other relevant laws.

4. **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 Pakistan in case of Islamabad Capital Territory and Chief Minister in case of respective provinces.

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

- | | |
|-----------------------------------|-------------------------|
| (i) One Professor doctor; | <i>Convener</i> |
| (ii) One male General Surgeon; | <i>Member</i> |
| (iii) One Female General Surgeon; | <i>Member</i> |
| (iv) One Psychologist; and | <i>Member</i> |
| (v) One Chief Medical Officer; | <i>Member Secretary</i> |

CHAPTER-III PROHIBITION OF CERTAIN ACTS

5. **Prohibition against discrimination.**— No person shall discriminate against a Khunsa person on any of the following grounds, namely:-

- (a) the denial of, or discontinuation of, or unfair treatment in, educational institutions and services thereof;
- (b) the unfair treatment in, or in relation to, employment, trade or occupation;
- (c) the denial of, or termination from, employment or occupation;
- (d) the denial of, or discontinuation of, or unfair treatment in healthcare services;
- (e) the denial of, or discontinuation of, or unfair treatment with regard to, access to, or provision or enjoyment of use of any goods, accommodation, service, facility, benefit, privilege or opportunity dedicated to the use of general public or customarily available to the public;
- (f) the denial of, or discontinuation of, or unfair treatment with regard to right to movement, safe travel, and use of public facilities of transportation;
- (g) the denial of, or discontinuation of, or unfair treatment with regard to the right to reside, sale/purchase, rent or otherwise occupy, inherit any movable and immovable property;

- (h) the denial of, or discontinuation of, or unfair treatment in, the opportunity to stand for or hold public or private office; or
- (i) the denial of access to, removal from, or unfair treatment in, government or private establishment, organizations, institutions, departments, centres in whose care, custody or employment a Khunsa person may be.

6. **Prohibition against Harassment.**—Harassment of Khunsa Persons, as defined in this Act, both within and outside the home is prohibited.

CHAPTER-IV OBLIGATIONS BY THE GOVERNMENT

7. **Obligations of the Government.**—The Government shall take steps to secure full and effective participation of Khunsa persons and their inclusion in society, namely:—

- (a) Establish Protection Centres and Safe Houses to ensure the rescue, protection and rehabilitation of Khunsa Persons in addition to providing medical facilities, psychological care, counselling and adult education to the Khunsa Persons;
- (b) Establish separate prisons, jails, confinement cells, etc. for the Khunsa persons involved in any kind of offence or offences;
- (c) Institute mechanisms for the periodic sensitization and awareness of the public servants, in particular, but not limited to, law enforcement agencies and medical Institutions, relating to the issues involving the Khunsa Persons and the requirement of protection and relief of such persons;
- (d) Formulate special vocational training programmes to facilitate, promote and support livelihood for Khunsa Persons;
- (e) Encourage Khunsa Persons to start small business by providing incentives, easy loan schemes and grants; and
- (f) Take any other necessary measures to accomplish the objective of this Act.

CHAPTER-V PROTECTION OF RIGHTS OF KHUNSA PERSONS

8. **Right to Inherit.**— (1) There shall be no discrimination against Khunsa Persons in acquiring the rightful share of property as prescribed under the law of Inheritance.

(2) The share of Khunsa Persons shall be determined as per the decision of the Medical Board either of a male or a female.

9. **Right to Education.**— (1) There shall be no discrimination against Khunsa Persons in acquiring admission in any educational institutions, public or private, subject to fulfilment of the prescribed requirements.

(2) All educational institutions shall provide education and opportunities for sports, recreation and leisure activities without any discrimination, and on an equal basis with others.

(3) The Government shall take steps to provide free and compulsory education to Khunsa Persons as guaranteed under Article 25A of the Constitution of the Islamic Republic of Pakistan, 1973.

(4) It is unlawful for an institution whether private or public, to discriminate against a person on the ground of person's sex, including but not limited to:

- (a) in determining who should be offered admission; or
- (b) in the terms or conditions on which admission is offered; or
- (c) by denying the person's access, or limiting the person's access, to opportunities, training or to any other positive externalities associated with the education; or
- (d) by denying access to appropriate student facilities based on a person's sex.

10. **Right to employment.**— (1) The Government must ensure the right to enter into any lawful profession or occupation, and to conduct any lawful trade or business for the Khunsa Persons as guaranteed under Article 18 of the Constitution of the Islamic Republic of Pakistan, 1973.

(2) No establishment, institution, department, organization, shall discriminate against any Khunsa person in any matter relating to employment including, but not limited to, recruitment, promotion, appointment, transfer and other related issues.

(3) It shall be unlawful for an employer to discriminate against an employee on the ground of their sex:

- (a) in determining who should be offered employment; or
- (b) In the terms or conditions on which employment is offered; or

- (c) by denying the employee access, or limiting the employee's access, to opportunities for promotion, transfer or training, or to any other benefits associated with employment; or
- (d) by dismissing the employee; or
- (e) by subjecting the employee to any other detriment.

11. **Right to vote.**— No Khunsa Person shall be deprived of their right to cast a vote during national, provincial and/or local government elections:

Provided that the access to polling stations shall be determined according to the gender declared on the CNIC of a Khunsa Person.

12. **Right to hold public office.**— (1) There shall be no discrimination on the basis of sex, for Khunsa Persons if they wish to contest election to hold public office.

13. **Right to Health.**—The Government shall take the following measures to ensure non-discrimination in relation to Khunsa Persons, namely: -

- (a) to review medical curriculum and improve research for Doctors and nursing staff to address specific health issues of Khunsa Persons in cooperation with PMDC;
- (b) to facilitate access by providing an enabling and safe environment for Khunsa Persons in hospitals and other healthcare institutions and centres;
- (c) to ensure Khunsa Persons access to all necessary medical and psychological gender corrective treatment;

14. **Right to Health.**— 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.”

15. **Right to assembly.**— (1) The Government must ensure the freedom of assembly for Khunsa Persons in accordance with Article 16 of the Constitution of the Islamic Republic of Pakistan, 1973.

(2) The Government must take steps to ensure appropriate safety measures for Khunsa Persons.

(3) No discrimination shall be made on the basis of person's sex, and/or subject to reasonable restrictions imposed by law in the interest of public order.

16. **Right of access to public places.**— (1) No Khunsa person shall be

denied access to public places, places of entertainment or places intended for religious purpose solely on the basis of their sex.

(2) The Government must ensure Khunsa Persons access to public places in view of Article 26 of the Constitution of the Islamic Republic of Pakistan, 1973.

(3) It shall be unlawful to prevent Khunsa Persons to access facilities available for access of general public and public places mentioned in sub-section (1).

17. **Right to property.**— (1) No Khunsa Person shall be denied right to purchase, sell, rent or lease property, household or tenancy on the basis of sex.

(2) It shall be unlawful to discriminate any Khunsa Person with regards to renting, subletting or tenancy on the basis of their sex.

18. **Guarantee of Fundamental Rights.**— (1) In addition to rights mentioned in this chapter, Fundamental Rights mentioned in Chapter I, Part II of the Constitution of the Islamic Republic of Pakistan, 1973 shall be available unequivocally for every Khunsa Person.

(2) It shall be the duty of the Government to ensure that the fundamental rights mentioned in sub-section (1) are protected and there shall be no discrimination for any person on the basis of sex.

19. **Offences and Penalties.**— (1) Whoever, employs, compels or uses any Khunsa person for begging shall be punishable with imprisonment which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

CHAPTER-VI ENFORCEMENT MECHANISM

20. **Enforcement Mechanism.**— In addition to the remedies available under the Constitution or Pakistan Penal Code 1860, Code of Criminal Procedure, 1898 or the Code of Civil Procedure 1908, the aggrieved Khunsa person shall have a right to move a complaint to the, Federal Ombudsman, National Commission for Status of Women and National Commission of Human Rights (NCHR) if any of the Rights guaranteed herein are denied to him or her.

CHAPTER-VII MISCELLANEOUS

21. **Power of Government to make rules.**— The Government may, by notification, make rules for carrying out the purposes of this Act.

22. **Power to remove difficulties.**— If any difficulty arises in giving effect to the provisions of this Act, the Government may make such order or give such directions, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

23. **Repeal and savings.**— (1) Subject to section 6 of the General Clauses Act, 1897 (X of 1897), the Transgender Persons (Protection of Rights) Act, 2018 (XIII of 2018) hereinafter referred to as the repealed Act, shall stand repealed.

(2) Notwithstanding the repeal of the repealed Act or anything contrary contained herein, all decisions taken, regulations made or amended and disciplinary actions taken by any Authority under the dissolved the Transgender Persons (Protection of Rights) Act, 2018 shall be deemed to have been validly made:

Provided that all regulations made and promulgated pursuant to the repealed Act, or the Transgender Persons (Protection of Rights) Act, 2018 (XIII of 2018) stand repealed and shall not be enforceable subject to sub-section (3):

(3) All registrations, recognitions etc., granted under the dissolved the Transgender Persons (Protection of Rights) Act, 2018 (XIII of 2018) shall be deemed to be the registrations, recognitions granted under this Act subject to not being in conflict with this Act and the provisions of this Act.

STATEMENT OF OBJECT AND REASONS

The Transgender Persons (Protection of Rights) Act, 2018 as enforced contradicts the injunctions of Islam and the Constitution of Pakistan and the real picture of Khunsa Persons. The word transgender has been replaced with Khunsa and many other relevant corrections has been made, and to ensure that the concocted theories of gender being a non-binary be discouraged and the rights assured to Khunsa Persons be guaranteed in letter and spirit. The incumbent Transgender Act is hereby repealed for the sole purpose to ensure that the Khunsa (Intersex) Persons get their due share of rights within the organized political society according to the teachings of Islam.

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;

1. Legalization of homosexual marriages.

2. Repugnancy to Law of Inheritance in Quran.
3. Violation of dignity/modesty of Muslim Women.
4. Making the Recognition of Gender a Subjective matter.

Therefore, there is a need to bring such a law that is compliant with the teachings of Islam and to protect the fundamental rights of Khunsa Persons such as Inheritance, Education, Employment, Right to vote, Right to hold public office and health. Khunsa Persons are neglected and marginalized section of our society and their acceptance at home, community and state level is negligible. There is a need to respect and honor Khunsa persons and their rights must be protected at every level. They should not be deprived of their rights by considering them an alien or separate. gender. Khunsa Persons are either male or female born with a mixture of male and female genital features or congenital ambiguities.

This Bill has been developed to achieve the aforesaid objectives.

SENATOR MUSHTAQ AHMAD,
Member-In-Charge.

MOHAMMAD QASIM SAMAD KHAN,
Acting Secretary.